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**THE NULLITY**  
**OF THE**  
**GOVERNMENT OF QUEEN VICTORIA**  
**IN IRELAND;**  
**OR,**  
**THE POPE,**  
**THE VIRTUAL RULER OF THE LAND.**

**BRING AN EXHIBITION OF**  
**THE LAWS OF THE PAPACY,**  
**SET UP BY THE ROMISH BISHOPS,**  
**IN 1832,**

**BY ABJURING WHICH THEY GAINED POLITICAL POWER.**

**CONTAINING**  
**THE ORIGINAL DOCUMENTS, WITH TRANSLATIONS, THE**  
**BISHOPS' OATHS, AND A COPIOUS TABLE OF CONTENTS.**

  
**BY THE**  
**REV. ROBERT J. M'GHEE, A.B.,**

**MINISTER OF HAROLD'S CROSS CHURCH, DUBLIN.**

*"Atque ego ut vidi, quos maximo furore et scelere esse inflammatos sciebam, eos nobiscum esse et Romæ remanisse; in eo omnes dies noctesque consumpsi, ut quid agerent, quid molirentur, sentirem ac viderem; ut quoniam auribus vestris propter incredibilem magnitudinem sceleris, minorem fidem faceret oratio mea, rem ita comprehenderem, ut tunc demum animis salutis vestræ provideretis cum oculis maleficium ipsum videretis."—Cicero, in Catal. II.*

**DUBLIN:**  
**RICHARD MOORE TIMS, GRAFTON STREET.**  
**SIMPKIN, MARSHALL AND CO., LONDON.**

**1839.**

37  
10 19  
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Printed by Thomas L White, C5, Fleet Street, Dublin.

TO  
HIS EXCELLENCY LORD VISCOUNT EBRINGTON,  
BARON FORTESCUE, LORD LIEUTENANT  
GENERAL, AND GENERAL GOVERNOR  
OF IRELAND, &c. &c.

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MAY IT PLEASE YOUR EXCELLENCY,

MY LORD,

If the title of this book is not justified by its contents—if a liberty is taken with the name and authority of our most gracious Sovereign—if any act of injustice is committed towards any of her Majesty's subjects, over whom your Excellency has been placed as the representative of her Royal Person and government,—then, my Lord, no language can adequately express the audacity of the individual who presumes to offer to your Excellency's consideration a work, which, under such circumstances, were worthy of your most severe displeasure and reproof. But if, on the contrary, my Lord, it is an humble effort of one of her Majesty's most loyal and faithful subjects to vindicate her Majesty's honour and government, as the Sovereign of these realms, from the base conspiracy of an order of men who make religion, which ought to be the handmaid of loyalty and virtue, the instrument of treason and every crime—If it be a faithful, honest exposure of a system, which, by the instrumentality of a perfidious policy which is called religion, seduces her Majesty's subjects from their allegiance to their lawful Sovereign, and transfers that allegiance to a foreign tyrant—if it lays before your Excellency, with plain and honest fidelity, a tissue of iniquitous deceit and domination, which is treachery to one class of her Majesty's subjects, tyranny to another, and the fruitful source of misery and ruin to them all,—if it exposes the real cause

of the miseries of that unhappy country, over which, in candour, but with all respect, it must be said of your Excellency, or any Viceroy, that he has the misfortune to preside,—if it exhibits to your Excellency's view the reason why Ireland requires a vigorous administration of the laws, and why it thwarts and impedes their execution—why it mocks the wisdom of the legislative, and paralyzes the arm of the executive authority—why it defies coercion—why it contemns concession—stamps ignorance and folly on the one, and evades the imbecility of the other—if it exposes immediately the cause why the rule of your Royal Sovereign is reduced to a mere shadow, and consequently that of your Excellency to the mere shadow of a shade—if it informs your Excellency of a tissue of perjury which you could not have imagined—of crime—of cruelty—of treachery—of intolerance—of sedition, which you could not have possibly believed to be connected with any system of paganism, much less of nominal Christianity—then, my Lord, there is no individual in the nation to whom this work ought to be so commended as to your Excellency: and it is therefore most humbly submitted to your Excellency's most grave and gracious consideration.

Your Excellency will perceive that it is very simple in its construction. It consists merely of two parts—First, of a detail of Parliamentary evidence, of the accuracy of which your Excellency can easily be satisfied. Much of it, no doubt, was given in your Excellency's presence, and is to be found in the Parliamentary records, with which your Excellency is familiar, and which are easily accessible. The other part consists of a number of documents, the principles of which, and in some instances the documents themselves, your Excellency sees were denied on oath by the men who gave that evidence; the atrocity of these principles it were impertinent to point out. There cannot be a doubt that your Excellency often revolved them in your mind; and, while you could not believe that there were any men on earth so base as to entertain such principles, you have always considered it most illiberal and uncharitable to impute them to the persons who denied them even upon oath.

Your Excellency now can see and judge for yourself. You know, my Lord, the high authority that records the test of truth—"He that doeth evil hateth the light, neither



cometh to the light, lest his deeds should be reproved; but he that doeth truth cometh to the light, that his deeds may be made manifest that they are wrought in God." Your Excellency will admit the perfection of the rule, and you now can judge of the force and power of its application. It is clear that the character of these men—the truth of their oaths—the nature of their principles—the whole system of their religion—all that is dear to them, is at stake. It is clear that the proof of the case is put to a fair and honest issue. If these Popish Bishops stand forward before the Roman Catholics whom they enslave, and the Protestants whom they betray, and produce the documents, I propose, to redeem their character—their oaths—their loyalty—their principles—their religion—and, if they succeed in their effort, then the report of their success shall be laid before your Excellency, and I will confess with grief and shame that I have been guilty of a gross mistake, to whatsoever extent they may be able to prove the same, and that I have presumed unworthily to call your Excellency's notice to the subject—I shall recall this book from the Press, and bow with all suitable contrition to the just sentence of your Excellency's displeasure.

If Mr. O'Connell, for whom these Bishops and Priests impose an annual tax on the affectionate credulity and warm-hearted zeal of the poor Roman Catholics of Ireland, that they may maintain him, as the agent of that seditious and insurrectionary spirit of hostility to that Protestant government, which it is their aim to shake off, and to that Protestant population whom they are bound, as your Excellency sees by their secret laws to exterminate—If Mr. O'Connell ventures to take the position of counsel for these Bishops, on the platform, in the court of public justice, or to argue the case before the bar of the House of Commons, and if he succeeds in defending them from the facts alleged in this book—then, my Lord, let British statesmen still bow to his dictation. Whatever may be said of their principles, they will at least be rescued from the humiliating position of being dupes—of being imposed upon by the patrons of perjury and sedition—being made the pitiable, though, it is to be hoped, unconscious instruments of their Sovereign's danger, their own dishonour, and their country's ruin.

But, my Lord, if your Excellency sees that these men dare not venture upon the task of their own exculpation—if you see them shrink in conscious guilt from the publicity of the platform, the press, the court of justice, and the senate—if you see that they skulk away in terror from the fear of giving to their crimes the validity of public proof, by any attempt at a public vindication, then, my Lord, your Excellency will see the true position in which you stand as the nominal governor, in her Majesty's name, of Ireland—your Excellency will see that you are placed to govern a people whose spiritual teachers instruct them to despise the laws you are to administer, and to hate the authority you represent—you will see that your Royal Mistress is proclaimed in these laws not only in common with her Protestant subjects as an excommunicated heretic, but that the poor Roman Catholics are to learn that she must bow her royal head for pardon at the feet of the Italian tyrant, that spiritual traitor—that “man of sin, who opposeth and exalteth himself above all that is called God, or that is worshipped,” and who in the plenitude of that blasphemy which is marked in the word of God as engraven on his head, arrogates to himself the same honour, power, dignity, and veneration as the Vicar and Representative of the Lord of Heaven and Earth, which, in a temporal sense, is due to your Excellency in this nation, as Representative of our most gracious Sovereign in this part of her dominions.

Permit me, with all due deference, to submit to your Excellency's serious consideration how it can be possible that a nation of men can be brought to submit to a power which it is made their religion to hate—how they can be brought to pay any conscientious respect or obedience to laws which it is made their religion to trample under foot—how peace can be promoted when religion is made the instrument of war, the handmaid of hatred, the sower of sedition, the prompter of perjury, the meditator of murder, the parent of every cruelty, and the nurse of every crime?

Is it, may I venture to submit to your Excellency, by the compromise of virtue, that vice is to be eradicated? Is it by the compromise of honour, that disgrace is to be averted? Is it by the compromise of loyalty, that sedition is to be put down? Is it by the compromise of all morality and all religion, that the honour of God and the happiness of man is to be promoted?

And here, my Lord, whether we look at the temporal or spiritual aspect of this case, may I humbly take permission to submit to your Excellency how far you think it justifiable that men shall impute to those persons who feel called on, honestly and faithfully to expose the guilt, the wickedness, and falsehood of the Church of Rome,—principles of illiberal, uncharitable hostility to Roman Catholics, and how far you think it justifiable that a compromise with the principles of this Church, and an admission that Popery is Christianity, should pass for liberality of principle and for Christian kindness and charity to Roman Catholics. I most gladly avail myself of that solemn sense of religion which public report ascribes, and I trust truly ascribes to your Excellency, to entreat your grave consideration of this subject.

Without a tedious detail of the many awful idolatries propagated among this unhappy people, I would just mention one of such an authoritative standard that no question can be raised about it.

The present Pope sent over an encyclical letter to the Romish Bishops of this country, nearly seven years ago, viz. in 1832, in which he uses the following expressions:

“Now that all these happy circumstances may concur, let us lift up our eyes and hands to the most Blessed Virgin Mary, who *alone has destroyed all heresies*, who fills us with the greatest confidence, or rather who *is the whole foundation of our hope*.”

Now, this letter, with these words so translated, and so marked, was sold, and is sold at this day, under the authority of the whole body of the Romish Bishops, as of infallible truth, to the miserable Roman Catholics of Ireland.

Now here is another principle of equal authority—a canon of the Council of Trent, the first on the Eucharist. Sess. XII.

“If any one shall deny that in the sacrament of the most holy Eucharist is contained truly, really, and substantially the body and blood along with the soul and divinity of our Lord Jesus Christ, and therefore Christ altogether, but shall say that he is in it only, as in a sign, or a figure, or a *certere*, let him be damned.”

Now, permit me, as a Minister of Christ, while I lay before your Excellency these two specimens of spiritual darkness, and while I humbly submit this volume of im-

moral, antisocial and cruel iniquity, permit me, with all deference, to ask your Excellency whether you consider that a man who truly believes the glorious gospel of our blessed Lord and Saviour Jesus Christ—who knows that his righteousness and his atoning blood are the only refuge for a guilty sinner—can, if he is faithful, compromise his Master's truth?—can he, if he have that truth in his own heart, cease to feel, and feeling, cease to testify, on behalf of his fellow sinners, against the abominable idolatry and superstition of these Popes and these Councils? Is it Christianity to take the crown off the head of Christ and place it on a creature?—to subvert the foundation laid in Zion, and call the Virgin Mary "*the whole foundation of the sinner's hope*?" Is not that, my Lord, most awful idolatry? Is it Christianity to think that a Priest, by pronouncing a few cabalistic words over a bit of paste, can embody into that the Lord of Life and Glory, and then pretend to offer it as a sacrifice for sin, and hold it up to be adored by a poor blind and ignorant population? Is this Christ, my Lord, or is it not an idol—an Antichrist—that pretends to repeat the finished sacrifice of Immanuel, and set up a wafer to be adored for the Lord of Glory?

And now, my Lord, turn to the morals. Look at the perjury—at the sedition—at the persecution—at the cruelty inculcated and exemplified in this book. Look at the fruits of this faith—look at the offspring of this superstition. The country over which your Excellency presides is an example—"*Si monumenta quaeris, circumspice.*"—You cannot look, my Lord, nor can I show your Excellency, in the press, the horrible obscenities of these Bishops and Priests, with which, in their infamous confessional, they overwhelm and enslave the minds of the unhappy female population—making slaves of the wives, that they may more effectually enslave their husbands, and slaves of the mothers that they may enslave their children. But, what I can show is enough to ask your Excellency to pronounce in your own breast what is the duty of any man in any station that calls himself a Christian and a Protestant. Are we, my Lord, as ministers of Christ, to mock the name of truth, by pretending to take the robe of charity to cover a criminal compromise of truth, by leaving our fellow men to perish in idolatries, in superstitions, and in crimes like these which are revolting alike to religion and to humanity? Would

Paul have done so, my Lord? Would Christ have done so? Is this the lesson taught us in our Bible? Is not apathy in such a cause dishonour to our God? Is not compromise with those who inculcate such a system a guilty participation in their crime?

And now, my Lord, why do I venture to submit to your Excellency these reflections on this subject? Is it that I would use an effort to injure my Roman Catholic countrymen, as being their enemy?—to misrepresent them to your Excellency? My Lord, it is often a painful, but a necessary duty to take a public tyrant—a public traitor—a public perjurer,—or a public villain, and make him as he ought to be made a public example to the world. But this is my testimony to my poor Roman Catholic countrymen. I firmly believe there are not on this earth a more patient, enduring, affectionate, and grateful people in their own unsophisticated natural character. I believe they would be good tenants—peaceful, hospitable, kind, and cordial neighbours—I believe they would be loyal and devoted subjects to their sovereign; and, if they were trained to habits of industry, and had employment, they would be a prosperous and contented nation. But the dark system of deep Antichristian iniquity inculcated into them in the shape of religion, by their Bishops and Priests, brings them to the state in which they are. Your Excellency has in this book some of the doctrines and principles which are instilled into their ears,—you have the lessons of their instruction, the reasons of their misery, and the causes of their crimes. The remedy to be applied to the people of Ireland collectively, is the only remedy for man individually as a sinner—the balm of pure, holy, undefiled religion—a faithful exposure to the people of the iniquity of those tyrants and traitors that enslave and corrupt them—a faithful, bold translation and exposure of such Bulls as these, and such theology as that of Dens—a faithful exhibition of the conscious guilt with which their task-masters shrink from the proofs of their iniquity—Christian fidelity against the oppressors of the people, combined with Christian affection and kindness to the poor people themselves. These, my Lord, united with a faithful administration of justice, a firm but temperate rule, an attempt on your Excellency's part to fulfil the duties of your high station, according to the language of that prayer offered up in our Liturgy in behalf

of the representative of royal authority, these would afford a hope for the regeneration of Ireland. I cannot more appropriately close this address to your Excellency than in the language of the prayer to which I have alluded—“That it may please Almighty God to bless your Excellency, his servant, as the Lord Lieutenant of Ireland, and to grant that you may use the sword which our Sovereign Lady the Queen hath committed into your hand with justice and mercy, according to God’s blessed will, for the protection of this people and the true religion established amongst us. That He may enlighten you by his grace, preserve you by his providence, and encompass you with his favour. That he may bless your whole council, direct and prosper all their consultations, to the advancement of his glory, the good of his church, the honor of her sacred Majesty, and the safety and welfare of her dominions.” That this prayer may be sincerely offered up and abundantly answered, and that your Excellency may be able to give an account of your stewardship, exercised as in this prayer, when you come to appear at the tribunal of the King of kings and Lord of lords,

Is the sincere and humble hope,  
 Of one who has the honor to be,  
 With all due respect,  
 Your Excellency’s  
 Most obedient, and  
 Very humble servant,

ROBERT J. M’GHEE,  
 Minister of Harold’s Cross Church, Dublin.



## INTRODUCTION.

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THIS book seems to the Editor of no ordinary importance to the Protestant and Roman Catholic inhabitants of Ireland. It is important to Protestants, because it shows them the system of persecution and traitorous hostility that is concocted by the Popish hierarchy against their liberties, their properties, their religion, and their lives,—against the government of their Protestant Sovereign and the Protestant constitution of England—in short, against all that ought to be dear to loyal men, to freemen, and to Christians. It proves that all that ever was suspected of Popery is true, and that it is capable of crimes more than ever were imputed to it. It is still more important to Roman Catholics, because it exhibits to them the real character and principles of those men, who appear from their holy office to bear a commission and authority from God, to be their spiritual directors and guides to everlasting life. It shows them that either Christianity must be a system of perfidy, perjury, and murder, or else that the religion of men who make it so, cannot be Christianity.

But the importance of this book depends on the evidence to be adduced against the Romish Bishops who have set up the Papal laws that it contains. If the Editor has taken these documents out of the ancient councils and decretals of Popery, and merely because he found them there, charged them on the present Romish hierarchy, then they may say this book is all a calumny, because they have renounced these principles on oath, they do not hold them as Dr. Murray says in his letter to Lord Melbourne, "*their solemn oath attests the contrary.*" Nay, this book itself must furnish on that supposition abundant proofs in their favour, because it contains a tissue of their oaths, and their testimony abjuring the persecuting and seditious principles of the very documents recorded in it.

But if, on the contrary, the evidence is clear and conclusive against them, that, notwithstanding all their solemn oaths, and all their testimony, and all their abjurations they really hold the principles of these very documents which they have abjured, and have really set up these decretals as the laws by which they teach their Priests to direct the consciences of the Roman Catholic subjects of this nation, then their oaths, so far from gaining credit for them, or vindicating them, only appear as an aggravated proof of their guilt, and of the perfidy and perjury which is common and familiar to their habits; and while the laws themselves which they have set up, furnish a transcript of their principles, their oaths supply an awful illustration of them by their practice.

How far then the evidence of the facts is clear and conclusive, and how far the Romish hierarchy shall be able to meet the test of its truth which shall be proposed to them, this book, shall afford a demonstration to the whole empire.

Although the documents connected with the discovery and proofs of the secret theology of these Bishops and Priests have been laid repeatedly before the public, and are now about to be presented to them in a full and authentic form by the Editor and his Reverend friend Dr. O'Sullivan, whose powerful and commanding eloquence has so commended them to the attention of the nation; yet it is necessary that the proofs on this subject should be laid before the reader, in this volume, in a plain and condensed form; and that thus it may carry its own evidence with it, independent of all other sources of information.

In the month of June, 1835, it will be recollected that a public meeting was held at Exeter Hall, in London, for the purpose of proving "*that the standards adopted and the principles inculcated by the Roman Catholic hierarchy of Ireland are of the same intolerant and persecuting nature at this day that are well known to have characterized their Church in former times.*" These were the words of the advertisement under which the meeting was convened, signed by twenty clergymen, and the pledge given in the advertisement was thus redeemed.—Directories of the Roman Catholic Priests of Ireland, for five years, viz. for 1831—2, 3, 4, and 5, were produced on the platform. These are certain small pamphlets, containing from eighty

to a hundred pages, regulating the offices or extracts from the Breviary, &c., which the Priests are bound to repeat every day in the year, under pain of mortal sin, and which therefore must be necessarily in the hands of every Priest in Ireland. These Directories were compiled during those five years, and are at present compiled by a Roman Catholic Priest, a Mr. Woods, who is the Prebendary of St. Iago, in the Church of Rome. They are compiled under the direction of Dr. Murray, the present Romish Archbishop of Dublin, and they are printed by Mr. Coyne, the Roman Catholic Bookseller to the College of Maynooth. The title page of this Directory for the present year is as follows :

ORDO  
DIVINI OFFICII RECITANDI  
MISSAMQUE CELEBRANDI  
IN USUM VENERABILIS CLERI SÆCULARIS,  
HIBERNICI,  
PRO ANNO MDCCCXXXIX.  
JUSSU ILLSMI. ET RMI.  
ARCHIEPISCOPO DUBLINIENSIS,  
(A PATRITIO WOODS, PRESBYTERO,)  
DISPOSITUS,  
ET A CLERO SUO UNICE SERVANDUS.

“Cantabo Domino in vita mea psallam Deo meo quamdiu sum.”  
Ps. 103.

DUBLINII :  
EX TYPIS RICHARDI COYNE,  
4, CAPEL-STREET,  
TYP. ET BIBLIOP. R. C. COL. S. PATRITII, MAYNOOTH.

This title, merely changing the year, is the same since 1831. In this Directory, besides the daily offices of the Priests and various other ecclesiastical matters, the questions for the conferences of the Province of Leinster are printed. These conferences are assemblies of the clergy of each diocese under their respective Bishops, held four times in the year, in which they meet together, the clergy to answer the questions previously proposed for their consideration, which questions are taken from some standard author, prescribed to them by their Bishop, which they must carefully study as the guide by which they are to direct the consciences of their respective flocks. These

questions being printed in these directories before the first day of the year, gives them ample time to study their standard author, and prepare themselves to answer in it to the satisfaction of their Bishops.

Now, to each of these Directories there is subjoined by Mr. Coyne, the printer, a catalogue of books published by him, and in this catalogue of the year 1835, we found an advertisement, which will be presented to the reader in another place, in which Mr. Coyne asserts that the whole of the Irish Roman Catholic Bishops met together on the 14th September, 1808, and that they selected Dens's Theology as the best guide for the Roman Catholic Priests of Ireland, and that in consequence, by the order of these Prelates, he printed then three thousand copies. He asserts that the Archbishop and the Bishops of the Province of Leinster had made it the conference book for the Priests of their province, and that, as the book was now rare and scarcely to be met with, he (Mr. Coyne), in order to obviate the difficulty experienced by these Bishops in procuring the work, had now printed a new edition. He then mentions that an additional volume was added to this work—an Epitome of the Moral and Canonical Doctrine of Benedict XIV.—which he informs his readers was added with the express sanction and approbation of Dr. Murray. Of the nature of this volume, we shall speak hereafter. Having Mr. Coyne's assertion contained in his advertisement in this catalogue, that their Bishops had made Dens a conference book for their Priests; and having the questions of the conferences in the Directories annexed to the catalogue, it only remained to compare these questions with Dens, and they were found to correspond in exact order in the third volume of Dens.

The question then arose whether this year, 1835, was the first year in which they had this book for a conference book? and this was to be ascertained by procuring the directories of former years. They were procured from the year 1830 to 1835 inclusive. It appeared that Dens had been set up by Dr. Murray and his three provincial Bishops, in the year 1831,—that Coyne had undertaken to reprint it then, and had it ready for publication in 1832, for, in the directory of 1832, the first advertisement appears, stating that it is in the press and speedily to be published; and at the head of the questions of conference,

in the year 1831, the following authoritative paragraph appears, translated from the Latin:—"In obedience to the commands of the most illustrious and the most reverend the Archbishop and Bishops of the Province of Leinster, we shall discuss the treatises from the author, Mr. Dens, of human actions, in two conferences; of sins, in one conference, and of conscience also in one conference, for the year 1831."

The questions of conference in the Directory for 1830, appeared to be miscellaneous questions, though some of them were very significant, and they appeared to be the questions merely for the diocese of Dublin. The questions for 1831 were evidently the questions for the whole Province of Leinster, and the authority of the whole body of the Bishops of the Province was quoted—the book was mentioned—their commands were asserted as the law under which the book was to be used, and Dens was that book—the very subject to be treated of was specified, and on comparing the questions with the passages in Dens, they corresponded exactly, and were taken in regular consecutive order from the work, from the very place mentioned at the head of the questions of conference.

The next point was to examine the Directory of the following year, viz. 1832, and the questions of conference were headed with a sentence of similar import,—it is, being translated, as follows:—

*"There will be four conferences in the year 1832, in the Province of Leinster, in which, following the author, Mr. Dens, we shall discuss the treatise on the virtues."*

These conferences of 1832, in which they confessedly follow Mr. Dens, as their author, gave a most calamitous exhibition of the principles inculcated by the master, and followed by his pupils, this "*treatise on the virtues*," the *theological virtues* of the Church of Rome,—presented these virtues in anything but a favourable light to the members of every other church. It appeared to be prominent among them, that Roman Catholics should brand us as heretics, as worse than Pagans—refuse toleration to the rites of our worship,—that they should compel us by corporal punishments to return to the bosom of the church, and that they should punish us, in case of our refusal, with confiscation, exile, imprisonment, and death—all this ratified by canons of councils that they are sworn to obey, but to

be carried into operation only when it should be expedient for the church to venture on the experiment. The plain, conclusive, and consecutive chain of evidence, by which, without the failure of a single link, the proof was brought home to the Romish Bishops—their own questions for conferences with the authoritative heading in their own directories, for five successive years, so accurately tallying with and corroborating the evidence of their own printer, in his catalogue—this catalogue, being bound up with these directories, in the hands of the very men, and for the use of the very men for whom they were solely printed, and about whom, both as Bishops and Priests, the statements contained in the catalogue were made—and the unanswerable fact of the regular successive correspondence of the conference questions in the directories, for five years, with the chapters in Dens's Theology,—all this left, as it could leave, no doubt on the mind of any honest man, that the principles contained in this book were the genuine principles of the Church of Rome.

These facts plainly demonstrated, gave to Dens's Theology a distinction which will ever remain identified with its name. But there were two, in addition to these, which prominently involved Dr. Murray in the case, namely, that the work was dedicated to him, and that it was expressly stated by the printer that a new volume was added to this edition of Dens, which was an epitome of the moral and canonical doctrine of Pope Benedict XIV., under his express sanction and approbation.

The nature and character of this new volume were not at this time at all investigated; it was allowed to pass with a few superficial observations. The iniquitous principles of Dens, on the subjects of perjury and persecution, on the power of the Pope and other subjects, gave his work such a prominent place in the discovery of the tenets of the Church of Rome, that Dr. Murray's identification with the name of Dens, was felt to bring a stain upon his character, which it was necessary if possible to wipe off. Accordingly, several apologists appeared in his behalf,—those who were most conspicuous were Mr. Woods, the priest who compiles the directories; and, (*proh pudor!*) a clergyman of the Church of England, the Rev. Mr. Stanley, then Rector of Alderley in Cheshire.



On Mr. Woods's evidence. I would observe—He asserted in his letter dated July 11, 1835, that Dr. Murray had merely "*proposed Dens to him for his guidance in preparing questions, but did not name any book whence the clergy were to gather their solutions, and that he publicly declared so at a full and numerous attended conference of the metropolitan clergy.*" Now, when Mr. Woods made this assertion, while at the same time he (Mr. Woods) and every one of those metropolitan clergy had in their possession, at the time he wrote this, the secret provincial statutes of Dr. Murray and his suffragan Bishops, which statutes have been since detected, and which they are compelled, under the heaviest penalties, to observe—When these clergy were commanded in those statutes to have every man a certain book in his possession, in which he was to study every day, that by this book he might be taught to direct the consciences of the people committed to his charge—when these clergy were told in those statutes that their conferences were to be held, that their Bishops might know they were well drilled in that book—when their bishops informed them, in those statutes, that the questions for those conferences for examination in this book were to be announced in the Dublin Directory, and when those questions were so announced in the Dublin Directory, and it was confessed at the head of them that, in obedience to the commands of their Archbishop and the rest of the Bishops of Leinster, they were to take these questions from Dens,—I say, when Mr. Woods made such a statement in defence of Dr. Murray, while Dr. Murray, and he himself, and every Priest who read it, knew that there was not one shadow of foundation in truth for it—it is only a melancholy illustration of the system which, *per fas et nefas*, they are all confederated to maintain; and it is useful to bring out such exhibitions of its iniquity, that by these means, peradventure, God might be pleased to open the eyes and touch the consciences of those men, seared as they are with a hot iron, that they might reflect, ere it be too late, how they shall ever answer before God for a system, of which they are compelled by the most shameless confederated falsehoods to try and cover the iniquity from the eyes of their fellow sinners.

But, passing this by, the point which bears especially on the contents of this volume, is this—Dr. Murray, having

the odium of the principles of Dens's Theology fastened on him by such clear and conclusive evidence, and the evidence brought forward at the first meeting at Exeter Hall, on the 20th of June, being strikingly corroborated by the fact that some sets of Dens were discovered, in which there was a laboured dedication of the work to Dr. Murray, stating that it had been undertaken with his approbation (*ejus cum approbatione susceptam*,) it became a desirable object with the apologists of Dr. Murray to make it appear that this approbation was not given to Dens's work, but chiefly to the new volume which had been added to this edition, and of which the evil had not then been detected. Accordingly, Mr. Woods, in the before cited letter, states—

“But,” saith he, anticipating the proof of his patronage, which was deducible from the fact, “*But he approved of an eighth volume, and thereby sanctioned the foregoing seven.*” Then he gives this history of this eighth volume—“When the new edition of Dens was nearly ready to issue from the press, it was suggested to Mr. Coyne, by a friend, that a volume, *not at all by Dens*, (as the advertisement in the Directory clearly shows,) would prove a useful supplement to the forthcoming work. Dr. Murray was already aware of the value of the information contained in the proposed supplemental volume, and he gave his sanction to its publication without reference to Dens or any other work.”

The reader will remark here this statement as to this volume. Dr. Murray knew it; he was aware of the value of the information contained in it, and he gave his sanction to it. This is Mr. Woods's testimony of these facts.—Who the friend was, if indeed there was any such friend, who suggested it to Mr. Coyne, we are left in ignorance of; but, if it were not Gregory the XVI., it was some faithful agent of his in the church.

We now come to the evidence of Mr. Stanley, then the Rector of Alderley; but since this apology for Dr. Murray, and his defence of that most indefensible of all systems of compromise of principle and religion, the Board of Education, this gentleman has been promoted by Lord Melbourne to the See of Norwich.

The defence set up by this Right Rev. Prelate for Dens, was examined in some detail at the Birmingham meeting in the year 1835. There is only one part neces-

sary to consider for this volume. Dr. Stanley in his pamphlet in 1835, p. 12, by way of an exculpatory apology for Dr. Murray, and of delivering him from the odium of Dens's Theology, said "that the approbation of the work mentioned in Coyne's dedication to him, is limited by Coyne's own confession to the 8th volume only, compiled from writings of Benedict XIV." and in the *British Magazine* for May, 1835, he mentions in a letter to the Editor the authority on which he makes this statement. He quotes Coyne's advertisement from his catalogue, and adds, "When at Dublin, to prevent any mistake on this point, I called at Mr. Coyne's shop, and was there informed that it was to this limited approbation of the eighth volume, and that only, that the sentence '*ejus cum approbatione susceptam*,' referred."

If Dr. Stanley had been at all acquainted with the principles, doctrines, canons and discipline of the Church of Rome, he could not have committed himself as a scholar, much less as a theologian, in attempting such a defence as he tried to set up in his pamphlet for Dr. Murray, on the subject of Dens's Theology; a defence not only untenable in itself, but since, utterly disproved in every tittle, by the discovery of his provincial statutes; but here he has used his best exertions to vindicate him from the seven volumes of Dens, by making it appear that his approbation of the whole edition was specially, and however incredible it may appear, *exclusively* limited to the eighth—how far Dr. Stanley's defence may profit the cause he undertook, he will learn if this book should ever meet his eye, by the few specimens of this eighth volume given in the following pages.

But the most satisfactory evidence on the subject, is Dr. Murray's own confession, in the celebrated apology for himself written in a pastoral letter to his clergy, dated 5th October, 1836.

That Prelate's own statement is as follows:—"But did I not at least direct the publication of the Theology of Dens? No: the assertion is in like manner at variance with the fact. *I never even suggested the publication of that work; nor did I use any kind of influence with the publisher to induce him to embark his property in that undertaking.* That respectable and enterprising individual called on me to express a wish to reprint that work, entirely

*at his own risk.* Had I opposed his project, he would, I am convinced, have abandoned it ; but as the work contains much useful matter, treated concisely and perspicuously, as it is accurate as far as regards matters of faith, and as the individual opinions of the author, resting as they do entirely on the arguments which he adduces to support them, are, as I conceive, wholly free at the present day from danger to educated men for whom only the publication was intended ; I could see no reason why I should interfere with the publisher's fair prospect of gain, and I therefore at once assented."

When Dr. Murray could write such a statement to the whole body of his Priests, every man of whom had in his possession the provincial statutes now detected, which he had received from Dr. Murray's own hand, in which every man of them are commanded to have a book in his possession, to study in it day by day, and that they were to be drilled in it by Dr. Murray in their conferences, and that the directories prove that this book was Dens—when they, every man knew, that Coyne had printed the book for the especial purpose, as the man plainly stated of obviating the difficulty which these Bishops experienced in procuring it for their Priests. When Dr. Murray and his Priests were mutually conscious of these facts, and that he sat down to write this public pastoral to them, which he and they all knew to be a made up story from beginning to end ; what can be hoped or expected from such men ?—" *Dominum Dens auctorem sequentes*" indeed. But this is not the point for this publication, Dr. Murray tries to get rid of Dens, but he is completely taken in his own confession in the next volume, for then he states—

" In the progress of the work he called on me a second time, to say there was an appendix to another highly useful work, and that if this appendix were added in the shape of an eighth volume to his publication, it would, in his opinion, much increase its value. *This second work being in much repute, I again assented to his proposal.*"

Here is Dr. Murray's own confession—he knew this book, it was "in much repute," and he assented to its publication.

As to the story of a bookseller who knew no more of the work or its value than the man in the moon, coming to a Romish Archbishop and suggesting to him the publication

of the laws and decisions of the Popes, which were to be the standard for his Priests to guide the consciences of the Roman Catholic population of Ireland, it is so infinitely absurd that even Dr. Murray, if he had not been proved to have made other statements contrary to truth, could not expect any person of common sense to believe him. But even suppose this statement to be true—suppose Coyne had performed this marvellous act, of being really placed at the head of the Romish Church, and being the person to put her laws in force in Ireland, still we have Dr. Murray's confession that he knew the book—that the book was well known—nay, that it was in much repute.

Did he not know then, that it contained the very laws which he had foresworn before the Committees of Parliament?

Did he not know it contained the Bulls and Decretals published in this volume?

Did he not know it contained the Bulla Cœnæ Domini?

Did he not know it excommunicated his Sovereign and made that Sovereign and the representative of that Sovereign's authority reserved cases as heretics for the Pope?

Did he not know it set up the authority of the third Lateran Council, for himself and his brother Bishops to exterminate all heretics out of their Dioceses, after all his oaths on the subject?

Did he not know it set up the laws of restitution of all forfeited property?

Did he not know it set up the laws for the Inquisition and for torture?

Did he not know it set up the law for granting dispensations for every sort of crime that man could commit?

Did he not know that it set up the law whereby the whole Roman Catholic population were placed under the direct temporal authority of the Pope? Priests, Seculars, and Regulars and the Laity, all excommunicated, suspended, and deprived, if they dared to refuse obedience to the commands of the Court of Rome? was the book "*in much repute*," while all the contents of it were unknown? or did he know its contents and authorize its publication? His own confession fastens both the facts upon him, he knew its contents, he authorized by his own admission the publication. Mr. Woods and Dr. Stanley are superfluous

witnesses on this—there is no going beyond the confession of the man himself.

Now we shall consider what force this book possesses in Ireland from its authorised publication by Dr. Murray.

And First—It is important to consider that this volume consists not of new decretals, but of those that have been passed for many centuries; and one of the grossest delusions with which Protestants of all denominations have been blinded is this, the idea that Popery has partaken of what they call modern improvements, and has abandoned its ancient principles and laws.

It is true many Romanists have contributed to this delusion by professing that it is so, because it is their interest to blind and to deceive—but the genuine principle of the Church of Rome is not only that this is not true, but that it *could not be true*—for the foundation of their faith is the Infallibility of their Church, and if the Church published a Canon in the 14th or 15th centuries which turned out to be false in the 19th, the very admission of such a principle must overturn the Church of Rome; hence the evidence of a total want of acquaintance with the very first principles of the subject of which Dr. Stanley was treating in his pamphlet. Popery improved, must be Popery overthrown.

This important principle is clearly laid down in the encyclical letter sent over by the present Pope to the Romish Bishops of Ireland, in 1832. The Pontiff writes to them as follows:—

“God forbid, dearest brethren, God forbid, whilst we are pressed by so many evils, and threatened by such dangers, that Pastors should be wanting to their charge, and stricken by fear abandon the sheep, or casting off all care of the flock, sink into idleness and sloth. Let us, therefore, in the unity of the Spirit defend our common cause, or rather the cause of God, and let us unite our vigilance and our exertion against the common enemy for the good of all people.”

Now, let it be remarked how this unity of the Spirit is to be preserved. The Pope continues—

“You will discharge this duty faithfully, if, as your ministry demands, *you attend to yourselves and to your doctrine*, calling frequently to mind *that the universal Church is shaken by any novelty whatsoever*, and that according to



the admonition of S. Agatho, Pope, *nothing of what has been regularly defined ought to be retrenched, or changed, or encreased, but that all should be preserved incorrupt, both in meaning and expression.* Then will that unity which resides in the chair of Peter, as its foundation, continue firm and unshaken," &c.

Again, he says—

"Let all bear in mind that the judgment of the soundness of the doctrine with which the people is to be imbued, and that the government and administration of the universal Church belongs to the Roman Pontiff—to whom, as the fathers of the Council of Florence have expressly declared, *Jesus Christ has committed the full power to feed, and to rule, and to govern the Universal Church.*"

Again, he says—

"Since it is evident, to use the words of the Fathers of the Council of Trent, that *the Church has been instructed by Jesus Christ and his Apostles, and taught by the Holy Ghost daily, suggesting all truth, it is manifestly preposterous and sovereignly injurious to the Church* to put forth or obtrude a certain *restoration or regeneration* as indispensable for her well-being or increase, as if she could be thought liable to destruction or diminution, or any vicissitudes of that nature. The object which, by this contrivance innovation aims at, is to lay the foundation of a novel human institution, and to bring about that which St. Cyprian held in horror, that the Church which is divine *should become human.*"

Such are the principles set forth in this encyclical. This is the translation of it made by the Irish Bishops, printed by Mr. Coyne, in the year 1832, the same year in which Dens was printed, with this supplemental volume.

But it is important to remark these parallel facts.

The Pope teaches the Bishops, in this Bull of 1832, that *nothing of what has been regularly defined is to be retrenched, or changed, or increased, but that all should be preserved incorrupt, both in meaning and expression.*

And in this year is published, by these Bishops, this compendium of Papal laws, which it is declared in the advertisement, that the Pope, Benedict XIV., "*has defined questions formerly controverted among divines, and has decided subjects principally regarding moral theology ;*" and we have moreover the laws and canons of the Church, from

the Council of Rhemes, 635, to the 3d Lateran, 1171 ; 4th Lateran, 1215 ; Council Vienne, 1311, down to the Bulls of Benedict XIV., in the middle of the 18th century, set up as the law of the Church.

The Pope tells the Bishops that "the judgment of the soundness of the doctrine with which the people is to be imbued, belongs to the Roman Pontiff;" and this year Dens is printed with this supplement of these Papal laws, by the authority of these Bishops, as the standard to drill their Priests, by this to guide the consciences of the people.

The Pope says to the Bishops that Jesus Christ has committed to him the full power to feed and to rule and govern the Church.

The Bishops publish this compendium of laws, in which every man is to be excommunicated who does not obey the commands of the Court of Rome.

Now, in addition to these *facts*, let us further examine the *law* of the case.

What is the doctrine of the Church of Rome, respecting the authority of any decretals emanating from her Popes ?

We find it laid down in the class-book of Maynooth, for the education of the candidates for the Priesthood.—(Ed. 1839, p. 152) "A dogmatical definition of the Sovereign Pontiff, directed to the universal Churches, and promulgated in a sufficient manner, is truly approved of by the Bishops, in the very fact that they do not protest against it ; and then it is to be held as an irreformable or unchangeable judgment (*irreformabile judicium*) of the whole Church."

Here then we have these Bishops receiving, translating, promulgating this encyclical, from their present Pope, and setting up the same year, in perfect accordance with this letter, a compendium of the laws and decretals of the former Popes, which are of the worst class in the laws of the Papal Church.

But, that this is the universal principle of the Papacy, we learn also from this standard, which they have set up for the conferences of their Priests.

We have in Dens, vol. ii. p. 155—

"What power has the Roman Pontiff? The Pope hath plenitude of power in the Church, so that his power extends to all those who are in the Church, and to all things which belong to the government of the Church.

This is proved from what we have said before, because the Roman Pontiff is the true Vicar of Christ—the head, pastor, and doctor of the whole Church. Hence it follows that all the faithful, even the Bishops and Patriarchs, are bound to obey the Roman Pontiff, also that he is to be obeyed in all things which concern the Christian religion, and therefore in faith, in morals, rites, ecclesiastical discipline,” &c.

We have here the obedience, that the Bishops and all the Clergy are bound to pay to the Pope. Now, it follows what are the people taught to consider, and what must the Priests all consider as an infallible law or decision of the Church, coming from their Pope, and through their Bishops, which they are so bound to obey. It is asked, (*Dens*, vol. ii. p. 129)—

“Is the express consent of the Bishops required for the infallible authority of a decreed decision or definition of the whole Church?

Answer.—No; but their tacit consent is sufficient, placed in their silence, and in their not protesting, after a decreed definition, which has sufficiently come to the knowledge of the Bishops: for to be silent in this case, is to consent;—for the error, saith Felix III. which is not resisted, is approved: and truth, when it is not defended, is overruled; so, as Saint Augustine saith, the Church of God is that which neither approves nor keeps silence as to those things which are contrary to faith and a good life.”

Here it is clear that any Papal decretal which came sufficiently to the knowledge of these Bishops, and against which they did not reclaim, would derive the authority of their consent from their very silence. Here we have in this case the declaration of their Bishop, Dr. Murray, that these Papal decretals were well known and in much repute, and printed under his express and immediate authority, and this as the standard for the Priests of the province to govern the consciences of the people. We see this fact printed—these decretals published in a book in the hands of every Popish Bishop and Priest in Ireland; and there is not, to this day, a voice to reclaim against them—nay, they are universally assented to, and adopted as the laws to govern the Roman Catholic population of the country.

But we have this principle put in a most specific form to Dr. Murray himself, and we have his most specific declara-

tion on the point. He is asked by the Committee of the House of Commons, on the 17th of May, 1825, the following question :—

“ It has been stated on evidence before this Committee, that Dr. Troy, in the year 1793, published a declaration or letter, in which he says that Catholics are obliged to submit to the decisions and the decrees of the Pope, on points of faith or morals, which are expressly or tacitly assented to or not dissented from by the majority of the Bishops representing and governing the Church dispersed. What is to be understood from this declaration ?

“ **THAT IT IS THE DOCTRINE OF EVERY CATHOLIC.** The Pope, as the head of the Church, has a right to address a doctrinal decree to the whole Church. By this very act, he summons the Pastors of the Church to say whether or not that is conformable to the Catholic faith, and whether they distinctly express their assent to it, or tacitly signify it by not dissenting from it, it then becomes a declaration that such is the belief of the Church at large, and as the Church, whether dispersed at large or assembled in its general councils, is infallible, its decisions are a rule of faith, to which every Catholic is bound to submit.”

Here we have the express evidence of this man, that the Bishops not dissenting from a Papal decretal, constitutes that decretal infallible, as a rule to which every Catholic is bound to submit ; and we have his own confession in his pastoral to his Priests, that he not only did not dissent from, but sanctioned and authorised the publication of all these Papal decretals, and that they “were in much repute” in his Church. So that, on his own confession and his own evidence, it is clear they are set up, and not reclaimed against by one Bishop in Ireland, as the laws of infallible authority in this country.

But there is something still behind in reference to these laws of a very singular character, that has not come before the public as yet. There was a man who, though nominally a Protestant, had been, like several others, implicated in the seditious cabals of the Popish party in this country. He was intimate with the conductors of a journal set up for some time in Dublin, *The Comet*, which was at last put down for sedition and a treasonable attempt to stir up the population to massacre the clergy. This man was afterwards brought out from these vile associates. He

was a man of perhaps the first talents among them—a man of considerable ability. It pleased God to deliver his mind from the contamination he had contracted. He wrote to me as a stranger—I visited him, and attended him as frequently as I could in his last illness, though my health did not at the time allow me to see him as I wished. I had every satisfaction of his genuine conversion to the faith and hope of the Gospel, and I truly valued him, and could confidently trust his testimony as a true Christian, he communicated to me much of the villainy of these men, and he gave me a copy of *The Comet*, in which was an advertisement of Dens's Theology.

Mr. O'Connell somewhere, I forget in what publication, had attacked me for calling this a secret work, while he said the publisher, Mr. Coyne, had used every effort to puff, and give it publicity and circulation. This number of *The Comet* contains the only advertisement I ever had seen of the work, and the date of this paper served me as a guide to examine other papers of that year.

I examined *The Comet*, *The Morning Register*, *The Weekly Register*, *The Daily Freeman*, and *The Weekly Freeman*. These were the great Roman Catholic papers in the year 1832; and first, I will present to the reader the advertisement exactly as it appears in *The Comet* of May 27, 1832:—

“MOST IMPORTANT.

“On Monday, 14th day of May, 1832, R. Coyne, bookseller and printer to the Royal College of St. Patrick, Maynooth, and publisher to the R. C. Bishops of Ireland, will publish DENS'S COMPLETE BODY OF THEOLOGY, in 8 vols. 12mo. beautifully printed, price to subscribers £2. 2s.

“The publisher will keep open the list for subscribers' names till the 1st day of August, 1832.

“At a meeting of the Roman Catholic Prelates of Ireland, assembled in Dublin on the 14th day of September, 1808, they unanimously agreed that ‘DENS'S COMPLETE BODY OF THEOLOGY’ was the best book on the subject that could be re-published for the use of the Catholic Priests of Ireland. The PRESENT PUBLISHER was then ordered to print 3,000 copies.

“This work is now very rare, and scarcely to be met with; and, inasmuch as his Grace Dr. Murray, Dr. Doyle,

Dr. Keating, and Dr. Kinsella, have made it the conference book for the Clergy of the Province of Leinster, the publisher, as well to obviate the difficulty experienced by them in procuring the work, as also to advance the cause of religion in the other parts of the Irish Church, is induced to reprint a limited number of copies.

“An additional volume, which is now for the first time annexed to the present edition, contains encyclical letters of the Sovereign Pontiffs, &c., bearing on the subjects contained in the work, as also the constitutions of Benedict XIV., in which he has defined questions formerly controverted among divines, and wherein he has decided subjects principally regarding moral theology; select passages also are cited from his truly invaluable work on the Diocesan Synod, in which the more difficult questions which Dens has only slightly touched on, or may not have sufficiently elucidated, are considered at great length. For the purpose of facilitating reference, an epitome of the canonical and moral doctrine of the above Pontiff, by John Dominic Mansi, Archbishop of Lucca, *alphabetically arranged*, is prefixed to the volume, presenting thus, in a compendious form, all the decisions of this learned Pope on various doctrinal, moral, and canonical subjects.

*“The supplementary matter above referred to, and which is not to be found in any edition heretofore published, not even in the last Mechlin edition, has been added, with the sanction and approbation of his Grace Doctor Murray, to whom this work is most respectfully dedicated.”*

The attention of the reader is particularly requested to this advertisement. It is headed with the words “MOST IMPORTANT.” The same statement is made here as in the Directory respecting the Bishops,—the order to print the book, in 1808, for all the Priests of Ireland—the making it a conference book for the Province of Leinster, in 1832, and the printing of both editions by Coyne—the first, by command of the Bishops; the second, to meet the wants *not of the Clergy themselves, but of the Bishops for the Clergy.*

Then let the reader mark; these laws in this new volume, are the decisions and definitions of the Pope, received and thus confirmed and ratified as of infallible obligation in Ireland by the authoritative reception and publication of

them by the Bishops—one, or rather four, of the Bishops thus publishing them, and the rest not declaiming against them.

Again, "*for the purpose of facilitating reference,*" this "Epitome of the moral and canonical doctrine of the Pope, alphabetically arranged," is prefixed to this volume. So the book is published to the Priests as but an *index* or *book of reference*. To what does it refer?—To this moral and canonical doctrine. Where is this to be found?—In the Diocesan Synod of Benedict, in his Bullarium, and in his Ecclesiastical Institutions. These are the works given in this volume. Here the reader sees that there can be no mistake—it is plain as print can make it. This book supplies the reference, and here we have the documents referred to.

Then let the reader mark the confession at the end of this. This canon law is not to be found in any other edition ever before published; it has not been so even in the Belgian edition, but now, since Popery has gained political power, it is published in Ireland for the government of the people. The statement too in this, that under these circumstances, it is added with the sanction and approbation of Dr. Murray, and that the work is dedicated to him, coupled with his own confession of the fact, and that he sanctioned the book as of much repute in his church gives to the whole statement a full authentication; as great as it is possible for any documents to have, it is not possible to wish for further confirmation of any fact, or further authentication of any documents in the world.

But something yet remains. It will be said, as Mr. O'Connell said before, that this advertisement was but a printer's puff, to try and sell his book. There is an important fact connected with this part of the case, which is this:—It is perfectly clear, that if Coyne had printed this book at any risk of his own as an ordinary work, he would have expended no small pains to give it publicity; he published for example the lives of the saints, with the sanction of all the Romish bishops, and which have been advertised, I know not how often. But this advertisement of Dens's Theology, and of these canon laws of the Papacy, appeared as far as I have been able to see, but five times in the public journals.

I examined those of the dates to which I had been directed by this advertisement at the time of its publication, and I found as follows:—The first publication appears in

the Dublin Weekly Register, May 5, 1832, there it appears but once, I looked in several of the subsequent weeks, but could not find it.

It also appears on the same date in the Dublin Weekly Freeman, May 5, 1832, nor did I see it in any subsequent paper. But what seems particularly singular is this, that though these two papers are printed at the same office, and with the same types as the Daily Register and the Daily Freeman, and though the expense of printing in either of these daily papers, any advertisement from the weekly papers is only just that of the repetition of an advertisement, as the types are set in the same office, yet the advertisement did not appear in the Dublin daily papers. I examined them both, and did not see it. It appeared three times in that seditious and infamous paper, the Comet—namely, first on May 13; 2nd. on May 20; 3rd. on May 27; and except these five advertisements, once in the Weekly Register, once in the Weekly Freeman, and three times in the Comet, I did not see it either repeated in them or in the two other Roman Catholic papers. If it was advertised in others, or if it has escaped my search in these, it will be useful that the facts be ascertained. I shall be happy to receive information from Mr. Coyne, and to correct the statement as he may enable me by a reference to dates.

But what is the result of this—why did not this “**MOST IMPORTANT**” advertisement appear oftener? Why did not this respectable individual, who printed as Dr. Murray tells us, this work entirely at his own risk? why did he not try to give it all the publicity he could? Why “**risk**” so many hundred pounds in printing such a work, and not spend a few shillings in making it known in the metropolis, and when not anxious to give it extended publicity, why publish it at all?

The case is clear as the day. It was necessary to advertise it, that thus when convenient, the church might appeal to the fact that the law had been published. It was necessary not to give it more publicity than this, lest attention might be called to what it was more important, should escape notoriety. The authority of proclamation was secured—the danger of publicity was avoided.

But the authority given to these laws is at once finally and conclusively demonstrated, and brought home to the



bishops by the secret statutes of Dr. Murray, and his synod of provincial bishops so completely and providentially detected. In them this synod of bishops command their priests to possess the work, and to study in it daily to direct thereby the consciences of their flocks, therefore when we have proved that the book they were to study was Dens, and when we demonstrate that to Dens, was added the body of canon laws ; it is clear as the day, that while the authority of the statutes, and the authority of proclamation in the paper give them all the force of infallible obligation on the priests, those priests were to give them the most powerful and authoritative publication, as far as it should be necessary to do so, by bringing their principles, not only to the knowledge, but enforcing them with all the sanctions of religious obligation on the conscience of every man in the recesses of their confessional. The provincial statutes and directories establish this fully. This is clear direct evidence to prove the case. But there are several direct testimonies which even without the provincial statutes, would form a clear inductive demonstration of the fact. First the professor of canon law in Maynooth, Mr. Slevin, was examined as to the constitution of the canon law by the Commissioners of Education, he is asked, "Pray be so good as to state what books you consider as containing the text of the canon law?"

"The canon law, or common law of our church, is contained in a work known by the name of "*Corpus Juris Canonici*." It was published by Pope Gregory XIII., and it is composed of several parts or collections of the canon law made at different times."

The parts of this canon law are then enumerated, and he is asked,

Is not the text of the canon law to be found in their works?

What we call the text of the canon law is, to be found in these collections so far as they go, but to form a complete body of canon law ; we must add the decrees of the Council of Trent the different bulls that have been issued by Popes since the time of Pope Sixtus IV., as now of a more recent date are included in the collection of Gregory XIII., which was published towards the end of the 16th century. The Bulls that were issued after Sixtus IV. down to Clement XII. have been included in the

Bullarium Romanum; there is also a collection of the Bulls of Benedict XIV. Appendix to 8th Report, p. 211.

Let it be remembered that he here specifies the Bulls of Benedict XIV. as constituting a part of their canon law. But they get off from the Bulls of their Popes, by pretending they have no force unless when received by the bishops; but then the principle, that where they are received by the bishops they are binding, is fully and unequivocally admitted.

So he says,

“With regard to Decretals of Popes I think I have already mentioned the general principle we act upon, which is, *that those Decretals are binding in the countries in which they have been published, or adopted as the canon law of the country.*” *Ib.* p. 212.

Again, “In what manner is it determined in Ireland, whether any particular Bull that may come into the country is received, or not received in the country, so as to form a portion of its canon law?”

By the same rule as in all countries, *by its publication, or general adoption.*

Its publication—in what manner?

If it be published in the country, we then consider that it is binding. The Bull, for instance, would be addressed to our bishops; they would receive it in a body, or perhaps individually, and order it to be published; the publication would be made in the churches, chapels, or at least in the Episcopal chapel of each diocese. However the general adoption of a bull in practice without a formal promulgation, would give it the force of law on the ground that custom became law. *Ib.* p. 214.

Let this be marked then. The professor states, that the Bulls of Benedict XIV. constitute a part of the canon law. He states over and over, that the Bulls of Popes are binding wheresoever they are received, and published by the bishops, whether collectively or individually, or generally adopted without a formal promulgation. Here we have a Bull from the present Pope to the bishops in 1832, commanding them to observe all that has been regularly decreed and defined in the church. We have the same year these bishops publishing these Decretals of Benedict XIV., we have them announced in a book sent into the hands of every priest in Ireland, as published under the

highest episcopal authority ; and we have it proved to demonstration, that this code of laws is published as a supplement, an authoritative supplement to a work which is made the standard for their priests to direct the consciences of the people. Nay—we have them published under the authority of that very bishop, whom Dr. M'Hale swears to be the best authority in the church on the subject, and to whom he tells the Commissioners of Education, that the priests would refer, to know what laws were, or were not in force in the country. See Dr. M'Hale's evidence in this work. pp. 7-8, 9.

But there is one more extract from Dr. Slevin's evidence, which gives indirectly *infallible* testimony on this subject, taken in connection with Dr. Murray's statutes, he is asked,

“ Are there any provincial constitutions or canons peculiar to Ireland, and not received at large throughout the Catholic church ?

“ I mentioned that our church government in Ireland has been, and is still very irregular on account of the unhappy circumstances of our church. It is not governed in the systematical manner as observable in Catholic countries, so that our canon law is reducible to a very small compass.”

On this answer the witness subsequently adds the following remarkable note :—

“ However, diocesan and provincial statutes have been adopted in different parts and at different times, which will no doubt be now improved and enlarged. It may even be hoped that the time is not remote, when our bishops assembled in synod, will under the paternal protection of a benign sovereign, draw up a code of national regulations adapted to the circumstances of our church.”  
Ib. p. 214.

Now here is a singular fact, the professor of canon law in this College complains of the contracted space of their canon law ; he afterwards, however, most deliberately adds in a note, that provincial and diocesan statutes exist, *which will no doubt be now improved and enlarged*. Accordingly we find that when in three years after, they gained the object they anticipated, namely, emancipation; the statutes of this very province where this priest and his fellows were educated in this College, were “ *improved and enlarged* ;” and what was this improvement and enlarge-

ment, it was this—setting up by the authority of the provincial synod, Dens's Theology, as the standard for the priests to direct the consciences of the people; and enlarging this work by a code of canon laws, which this very professor admits to be part of the canon law, which he admits would be in force if published; but which he and his fellows, and these very bishops of the synod, were denying on their oaths—denying that they had been published, or would be published—but which then were published, and were thus on their own oaths in force for the confiscation of the property—the destruction of the religion—the liberties and lives of their fellow-subjects—for the seditious abandonment of the laws of their legitimate sovereign, and the substitution of the laws of the Papal tyrant of Rome. Dr. Slevin little dreamt of the light his evidence would subsequently throw on the detected villainy of the provincial statutes of his bishops, on the dependence to be placed on his own oath, and on their oaths as to their canon laws, and on the cruelty, the intolerance, the perjury, the treachery, and the sedition of the Church of Rome.

But there are other incidental testimonies worthy of remark as to the authority which they attach to this book of canon law.

In the year 1825, some clergymen of the Established Church challenged the Carlow priests to a controversy on the principle of the Bible Society. Dr. Doyle forbade that his priests should meet them, and in his letter published in the Dublin Evening Post, August 30, 1825, the following sentence occurs:—

“I need not remind you, dearest brethren, of what is ruled by the supreme authority of the Church. (See Ben. XIV., de Syn. Dioc.) with regard to individuals unauthorized thereto by their bishop not entering into public disputations with persons maintaining heretical opinions.”

Now let this be marked; here this prelate quotes this work Ben. XIV. on the Diocesan Synod, as “*the supreme authority of the church.*” Now it is a singular circumstance that this very work of Benedict's, which Dr. Doyle here calls the *supreme authority* of the church, is one of these works which was added in this epitome to Dens, as a supplementary volume, as the very authority set up by him and his brother bishops for exterminating heretics out of their dioceses. See in this vol. p. 100.

There is another singular testimony which throws incidentally no small light on this subject. A short time since, Sir Philip Crampton delivered at the College of surgeons with his wonted talent a highly interesting and instructive lecture on the origin and progress of medical and anatomical science, in which he delineated the character and fate of that mighty master of anatomy, the learned and unfortunate Vesalius.

A Romish Priest of the name of Miley attacked Sir Philip, misrepresented his lecture, called his statements into question, and pronounced a panegyric upon Popery.

Sir Philip in an able reply vindicated the accuracy of his statements. The Priest rejoined, and the correspondence is mentioned here for the purpose of quoting the following passage from the rejoinder of the Priest :—

“ The fame of Lambertini may possibly have reached the Surgeon-general. He was the greatest scholar of the age when Muratori, Tireboschi, and Cardinal Norris lived, and we Catholics revere him as one of the most profoundly versed in the sacred oracles of faith, and ordinances of discipline, even of the wise and exalted Pontiffs who have governed the Church of God. Let us hear *him* expounding the *law* of the church upon the dissection of human bodies in the public academies. De cadaverum sectione faciundo in publicis academiis, vid Institutio. 64. Oper. Benedict. XIV., Rom. 1750. tom XI.”

Now mark the statement of this Priest, this work of Benedict. XIV. his *Institutiones Ecclesiasticæ*, this Priest tells us, is the Pope expounding the *law* of the church. Now there are four works of Benedict. XIV., epitomized, or rather a selection from them is epitomized in this 8th vol. 1st. his *bulls* ; 2nd. *his work on the Diocesan Synod* ; 3rd. his *Institutiones Ecclesiasticæ* ; and 4th. his work de *sacrificio missæ*. Of the first of them, the professor of canon law swears that they constitute part of the canon law of the church, and are in force whenever published by the bishop. The second, Dr. Doyle quotes to the clergy of his diocese as the “ *rule of the supreme authority of the church.*” The third, this Priest, states to Sir Philip Crampton, is the Pope’s exposition of the law of the church, therefore infallible, and these works epitomized and proved by these incidental testimonies to be held of the highest authority in the Papal church ; these are the works quoted

in the succeeding pages, and set up by the Romish bishops as the law in which their priests are to be drilled, to direct the consciences of the Roman Catholic population.

It is clear that a more perfect proof of facts and principles could not be furnished by any documentary evidence, the more it is sifted the clearer will it appear, let us just briefly review it.

We have the fact proved, that this digest of canon laws was authoritatively published by Dr. Murray.

1st. By Coyne's Catalogue for four years in the hands of every bishop and priest from 1832 to 1835.

2nd. By Dr. Murray's own Compiler of the Directory, Mr. Woods, who says the doctor sanctioned it, "knowing its value."

3rd. By Dr. Stanley, Bishop of Norwich, who says that the whole work was dedicated to Dr. Murray for his special patronage of this 8th vol.

4th. We have the Doctor's own confession in his Pastoral to his Priests, that he authorized its publication as of "*much repute in the church.*"

5th. We have the proclamation of these laws (for it does not deserve the name of advertisement) by Coyne in the Comet, Weekly Freeman, and Register informing the bishops and priests of the publication of the code of laws by Dr. Murray's authority, and the dedication of Dens and Benedict to him.

The facts are of course indisputable.

Now as to the principle of the case.

We have in the first place the letter from the Pope, 1832, commanding the Irish Bishops to preserve all the laws and definitions of the church, unchanged, as they are unchangeable.

We have in the next place the class-book of Maynooth, laying down the law of the church, that any decree of the Pope received and published, and not reclaimed against by the bishops, is an infallible decree of the church (*irreformabile judicium.*)

We have again, Dens pronouncing the same principle, and showing that the silence of the bishops is an approval of any Papal Decretal.

We have again Dr. Murray's own confirmation of the principle, as we had his confession of the fact, for he asserts that Dr. Troy's sentiments on this subject are the

faith of every Catholic—namely, the reception of any Papal decree unreclaimed against by the bishops as forming an infallible rule in the church.

Again, as we have the Doctor's own confession that he sanctioned the book, so we have his secret provincial statutes, directories, and conferences, to prove that he set up this book to drill his priests in these conferences, that he might know they were fitted by Peter Dens, and Benedict XIV. to guide the consciences of the people.

Again, we have Mr. Slevin's evidence, that every Bull is put into force when published in any country.

Again, we have Dr. M'Hale's evidence of the same, and that Dr. Murray who set up the bulls is the very man who is the highest authority on the subject, and that it is to the bishops authority the priests look, to know what laws are in force, and that every law when published is in force.

Again, we have Dr. Slevin's evidence, that the Bulls of Benedict are part of the canon law—that he expected the Diocesan and Provincial Synods would soon enlarge and improve the canon law of Ireland, and accordingly his own provincial synod enlarges and improves their statutes, by adopting and publishing this law as the supplement to the book, that is, to teach the priests to govern the people of Ireland.

We have Dr. Doyle's testimony, that the decisions of the Diocesan Synod of Benedict are "ruled by the supreme authority of the church," and accordingly he sets it up in his provincial synod in conjunction with Dr. Murray to govern the Roman Catholics; and finally, we have Priest Miley no later than the 7th of last January, informing us that the Institutions of Benedict are the Pope expounding the law of the church, and these last three infallible authorities constitute the epitome of canon law, the law set up for the government of Ireland.

If the Queen of England then can govern a country ruled by the laws of the Pope, she will do more than Elizabeth ever thought of, or any Protestant sovereign ever could accomplish.

It is now meet that the last proof be added to this evidence, which shall remain till refuted, a standing memorial of its truth.

I hereby publicly address Dr. Murray, Dr. Keating,

Dr. Kinsella, and Dr. Healy, the four Romish bishops of the province of Leinster especially. I add to them the whole body of Romish bishops in Ireland; I assert that these infamous Papal Decretals are the laws which they have wickedly, cruelly, seditiously, and traitorously set up to govern this country as a supplement to their anti-christian system, which they call Theology, written by Peter Dens.

I assert that the Romish Bishops of Leinster have set them up, actively as published under the authority of their archbishop as a supplement to the conference book appointed in their provincial synod, and proved so to be, by their secret statutes and directories.

I assert that the rest of the Romish Bishops have set them up passively, by not reclaiming against them, as the laws to govern their respective provinces, and so all Ireland; and I hereby challenge the whole mass of them, one and all, to disprove the statements in this book, by appearing themselves, or appointing any priest or priests in Ireland to appear for them, bringing with him or them, the provincial statutes of Leinster, the directories for nine years past, and the book proved in those statutes, directories, and in the catalogue subjoined to those directories, to be set up as the conference book for the province of Leinster.

I challenge Dr. Murray to appoint Mr. O'Connell if I have wronged him in this book, to institute an action against me for it in a court of justice, which I will undertake, please God, to defend.

I challenge him to petition the House of Commons, that this statement now laid before the Lord Lieutenant shall be investigated by a committee on behalf of the Romish hierarchy of Ireland.

I challenge Dr. Murray to appoint Mr. O'Connell to meet the case on the public platform before a body, consisting of half Roman Catholics and half Protestants; or I challenge him to appoint any man in Ireland to do the same, and disprove the facts stated in this book.

And I do so, that whereas it is always the custom of Popery to deny all statements, and say or swear through all proofs; then, wheresoever this book shall go, and I think it will go through the length and breadth of the empire, this may always remain a standing answer to the



falsehoods of the Church of Rome, and an everlasting proof and monument of her crimes, that it may be asked now and hereafter,

*Did the Popish Bishops, or Daniel O'Connell, ever accept this challenge?*

And now I think it meet, not to close this as a Christian minister, without saying to these bishops and priests as follows :—

O ye unhappy servants of a cruel master, why do ye go on to earn the wages of deceit and wickedness, in a system of such secret and desperate iniquity?

What if ye could even escape the eye of man! how can ye hope to escape the judgment of your Maker? "*He that formed the eye, shall he not see?—He that planted the ear, shall he not hear?*" Ye dare not bring this tissue of deceit and perjury, and crimes of all descriptions in your hands, to justify it before your fellow men—how shall you stand before the Judge of quick and dead, and bear to have your secret sins set in the light of the countenance of God? Come out of that accursed "mystery of iniquity," "that ye be not partakers of her plagues."

Dr. Murray, you are an aged man. I call on you at this eleventh hour to look to Christ for mercy. The awful superstitions you administer, have led you into this labyrinth of treachery and falsehood—they cannot cure the evils they have caused—they can neither, as you know and feel, give peace to your conscience, nor can they give pardon and salvation to your soul. Fly, aged man! fly, I beseech you by faith, to the Son of God—He receiveth sinners—"He is able to save to the uttermost all that come unto God by him"—"*Him that cometh to me I will in no wise cast out.*" That is His word—it is "*worthy of all acceptation.*"

Painful necessity obliges me to detail, in this, the perjuries and crimes of one that is dead—your suffragan Bishop—the partner of your guilt, Dr. Doyle. I have heard, and I hope and believe that he looked not to your idol wafer and the other lying refuges of Popery, but to the Lord Jesus Christ for his salvation in his latter days. And though it is my painful duty to record his iniquities as a Papal Bishop here, I trust they are blotted out of the book of God's remembrance by the blood of "the Lamb of God that taketh away the sins of the world." I have seen

a small book called "*Dew drops*," containing precious promises of the Gospel of Christ, he carried it latterly in his waistcoat pocket, and it bears his name in his own hand; it is in the possession of a mutual friend of his and mine. I tell it to you for your encouragement. Get that little book, or get the Bible from which it is taken, and look to the Saviour whom that Bible reveals—remember the truth "*with the Lord is mercy, and with Him is plenteous redemption.*" You look to that wretched representative of the sin and pride of Satan, the Pope. Will he comfort you?—will he deliver you from the charges of your own conscience?—will that "man of sin" make you or any poor sinner a righteous man?—will he blot these oaths of yours and all your secret deceptions from God's book of everlasting judgment?—a miserable criminal himself, can he give salvation to you? No. Not so the Lord Jesus—He laid down his precious life upon the cross for sinners—for the chief of sinners. "Look unto him and be saved"—O! turn to him while yet you may. I write not to throw a stone at you. I am a poor vile, miserable sinner, like yourself. I believe, through grace, that Christ is an all-sufficient Saviour for my soul—He is able to save you—"All manner of sins and blasphemies shall be forgiven unto men." Not like the lying blasphemy of your Major Poenitentarius, whose daring pretence of pardoning sin is greater than all the blasphemies and crimes he can pretend to pardon—blinding you in ignorance, encouraging and hardening you in iniquity, setting the "man of sin" up in the place of God, in that heart which is the rightful temple and throne of its Creator. Pardon given by Christ—bought with his blood, comes with its mighty melting power to the sinner's heart: and, while it washes its guilt, it seizes its affections, and sanctifies and consecrates it to its God. May the Lord wash you in that fountain, and make this book an instrument of conviction, of repentance, and of salvation to your soul!

And you, my poor dear blinded countrymen—quick and sensible and clever as you are—what say you to this book, and what say you to these men? Are these the guides of your immortal souls?—are these indeed the successors of Peter and of Paul? Read their writings, and compare their works. Are these laws like those of Peter and Paul? Did you ever read such things as these in the Bible?—

They burn the Bible—they take it from you and your children, that they may instil into your ears those laws and principles. And now what say you to them? Are they the laws of God or of the devil? Of the devil himself, beyond all doubt. Your Bishops and Priests know this too. If they were the laws of God, your Bishops would not have been ashamed of them—they would not have denied them—they would have confessed them; but you see they denied them—denied them with oaths, and now they set them up to direct their Priests to guide your consciences!

My poor unhappy countrymen! what good can happen to us—what blessing can we hope for—what peace can we enjoy, when such laws as these are set up to guide and govern you, my Roman Catholic friends? What wonder the whitefeet and the ribbonmen swear to wade in heretic blood, when this is the law of their church and the lesson of their confessional? But, is this Christianity, my friends? What wonder we are miserable! I leave it to your common sense, can we ever look on, you but with terror and distrust, when we know that these are the lessons taught you by your church, while you are so blind and ignorant as to think that church infallible? What would you think of us, if any man could write a book like this, and prove that the Protestant Bishops and Clergy inculcated such lessons on their flocks? What would you think of us, and how would you feel? Mark these men now, how they will not dare to justify themselves before you. Dr. Murray and all your Bishops will shrink—Mr. O'Connell will shrink—they will not venture to argue or disprove these laws before you. O, my friends, my countrymen, be men. Open your Bibles—claim, assert your rights as men and rational beings. Do you think when these men dare not vindicate their superstitions and iniquities before you and us, that they will be able to justify them before God? You see not one among them can be found that will dare to expound the Bible for you, or give you your church's exposition. They know it is an imposture—they know they dare not attempt it. You see not one of them will dare to stand before any body of men among you to have laid open in your presence the secret, infernal examinations that, under the mask of religion, they inflict on your wives and daughters. I have often tried to force them to do so, in vain.

O, my dear countrymen, let not any of you be so blind as to think that men who will be honest to you, and who will faithfully tell you truth, are your enemies and hate you. God is my witness, my Roman Catholic countrymen, that it is far from my heart to hate you. I hate and abhor this cursed system of falsehood and wickedness that deceives and blinds you. But, the more I see it, and the more I abhor it, the more I feel for you, my dear, warm-hearted, cordial, affectionate countrymen, that you should be such dupes and slaves of an antichristian tyrant, and that the very ardour of your hearts should be turned away from loving God and loving your fellow sinners, and made an instrument of turning you ardently to sin and ignorance, and spiritual slavery and crime. You ardently try to maintain whatever your Priests tell you is for the good of your church. Why? Because you are so blind and ignorant of God and his word as to think that those Priests and that church can pardon your sins. It is not Priests nor Churches that can pardon sin—it is only the blood of Christ that pardons sin—that is a fountain for us. If we all were Christians indeed—all looking to Christ—all trusting Christ—all rejoicing in Christ—all loving Christ—how we should all love one another! O, what a happy people—what a happy country. Lord bless you, save you, deliver you, my poor dear countrymen, from this system of awful ignorance, falsehood, and iniquity, and raise up men, faithful, honest, resolute, determined, strong in Christian faithfulness, Christian zeal, and Christian love, who will never rest till the cloud of Papal guilt and wickedness is dispelled from your hearts and from Ireland, and till you are brought into the light and liberty of the glorious Gospel of our Lord and Saviour Jesus Christ. This is all my enmity to you—this is the worst I wish you, and it is the earnest prayer of your faithful and affectionate friend and countryman.

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THE PAPAL LAWS  
PUBLISHED BY  
THE ROMAN CATHOLIC BISHOPS,  
TO DIRECT THE CONSCIENCES OF THE  
ROMAN CATHOLICS OF IRELAND,  
A. D. 1832.

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THE subjoined Papal Bulls, Canons, and Decretals are presented to the Protestants and Roman Catholics of Ireland; as the laws set up by the Romish bishops of this country for the purpose of instructing *their Priests* to direct the consciences of the Roman Catholic population, being an addition in the year 1832, to the *Theology of Peter Dens*, which had been the Manual of the Priests for that purpose, set up by all their bishops in 1808; and again officially in the Diocesan Synod of Leinster, by Dr. Murray, and his suffragan bishops in 1831.

As it is not the object of the Editor to put forth in this publication his own opinions on this important subject, but to supply to all honest and candid men in the empire the means of forming their judgment on the solid matters of fact, the Editor merely supplies the documents themselves, which are inaccessible to the majority of the community, with such notes and introductions as are necessary to elucidate the principles of the Romish hierarchy. He merely entreats rational men of all sects and denominations, and most especially the Roman Catholic laity to consider calmly and dispassionately what the effect of these laws must be upon the minds of those who really receive them or the principles they contain, as coming from an authority to which they owe supreme obedience.

If these laws are set up by Spiritual authority, with spiritual sanctions, so that men who disobey them, have

to fear the displeasure of those who are necessarily the depositories of the sins of their hearts, and the dispensers of pardon to their souls; no temporal power can equally enforce obedience to any earthly tribunal—their subjection to these laws must be in direct proportion to their reverence for their religion; it inevitably follows that they must abandon the one, or yield obedience to the other.

It is so entirely unnecessary to prove this to any man of common sense, that the Editor will dwell no longer on the case, but proceed simply to lay before the reader the documents themselves, with the introductory remarks, that are necessary for their use and application.

The first document which is presented to the reader is, the Bulla Cœnæ Domini. This Bull has been already translated and published, with copious notes, by some author with whom the Editor is not acquainted; but there are various facts connected with the subject, which that author has left untouched, and which throw a clear light upon the hierarchy of the Church of Rome.

This Bull, as will be seen in the document itself, and in the translations and notes published in the appendix, sets up the Roman Pontiff as the supreme governor and lord of the whole world. It excommunicates all Princes being Protestants, and all powers and authorities civil and ecclesiastical under them being Protestants, and all their subjects being Protestants, which the Roman Pontiff declares to be only the "*solemn exercise of the spiritual sword of ecclesiastical discipline, and the salutary arms of justice, by the ministry of the supreme apostleship for the glory of God, and the salvation of souls.*"

However laudable this exercise of his apostolical authority may be, it was natural that it should excite some apprehensions in the minds of those, who were likely to be subjected to this discipline, and its consequences; and therefore, before entrusting the Pope and his spiritual officers with power to carry it into execution in these countries, it was natural that those who were acquainted with the existence of this law, should investigate whether or not it were extinct or in force.

Accordingly this Bull was the subject of investigation, both before the Committee of the House of Lords, and the Commissioners of Education; and the attention of the reader is now requested to the evidence of the Roman

Catholic Bishops, Dr. Doyle, and Dr. M'Hale, before these authorities.

Extracts of Dr. Doyle's Examination before the Committee of the House of Lords, April 21, 1825.

"Pope Gregory the 13th, sent a Bull to Ireland exhorting the Irish to take up arms against Queen Elizabeth; was such an act justified by any power ascribed by the church to the Pope of Rome? No; the church has uniformly for nine centuries, by her Popes themselves, by her practice, and by her doctrines, and by her academies, maintained that the Popes have no right whatever to interfere with the temporal sovereignties or rights of Kings or Princes; and if there have been flatterers of the court of Rome who maintained that the Pope had that right so to interfere, it is hard to make us responsible for their opinions. Whereas, both as individuals and as a nation we have disregarded this doctrine and always opposed with our lives and fortunes, those Bulls which went in any way to affect the rights of our Kings to whom we have been most devotedly attached, at all times. We do then regret that doctrine as not supported by, or as opposed to the Scriptures and to the tradition of the fathers, and to many authorities of the Italian Church itself, of the German Church, of the French Church, of the English Church, and the Spanish Church, and as resting on no foundation but the authorised proceedings of Popes and their Italian flatterers, and we ought not to be charged with it."

"Is the Bull *Cœnæ Domini* now in force?"

"There are portions of that Bull that were in force from the time of Christ; *but the Bull as a Bull, is not in force, nor ever was in force in Ireland, and has been rejected from nearly all the Italian countries of Europe; if that were in force there is scarcely any thing would be at rest amongst the Catholic states of Europe, and they have been as solemn and as earnest in protesting against it as we have been at any period in England or Ireland.*

"Did not the Pope's Nuncio at Brussels, in the year 1768, send a letter to the Archbishops of Ireland, expressing his disapprobation of their acceding to any oath which disclaimed the dispensing doctrine?"

"I do not know that he did; I believe he may have

done so ; but that should furnish to the noble Lords a strong proof how little we regard the letters of a Nuncio when they go to prescribe what we are to do in those matters ; surely we are not less competent to determine what is lawful in an oath than a Nuncio at Brussels."

" Was not the same Bull, namely, the Bulla Cœnæ declared to be in force in the year 1793 ?"

" Not only that, but it may, for ought I know, have been declared during the last year to have been in force ; but their declaring it to be so in force, does not make it to be in force with us ; *we have never received it, and surely never will.*"

" Was it not again insisted upon by the Pope's Nuncio at Vienna, in the year 1805 ?"

" I am quite confident that they are in Austria, as they always have been, fully resolved not to admit it ; and I am sure they are as jealous of not suffering the Pope to interfere beyond the limits of his rightful jurisdiction in Austria, as they are in London."

" How many sorts of excommunication are there ?"

" The greater and lesser."

" What is the consequence of the lesser ?"

" That the person who incurs the lesser excommunication cannot receive during the time he is subject to it the sacraments : it is a censure so light as scarcely to be known, and in use scarcely ever incurred ; because, to incur any censure, a knowledge of the law is necessary, and the people generally do not know by what acts they would incur the lesser excommunication, so that that is a matter of little or no moment ; but the greater excommunication is the most awful censure the church can inflict."

" What are its particular consequences ?"

" They are expressed in these words :"

" Os, orare, vale, communicio, mensa negatur."

" Those words express the cases in which a faithful person is not allowed to hold communication with a person who happens to be excommunicated, unless one of the following reasons entitle him to hold such communication ; these are as follows :"

" Utile, lex, humile, res ignorata, necesse."

" If any one of the conditions inflicted in those words exist on the part of any one, or any number of persons, such individual, or such number of persons, are entitled



thereby to hold communion with the person excommunicated."

"Does not this greater excommunication affect the temporal situation and rights of the parties excommunicated? Certainly it does, and may be understood by the effects as described by me in the verse or words I have first here quoted."

Now, let the reader bear this evidence in memory, and then attend to the following extracts from the evidence of Dr. M'Hale, before the Commissioners of Education, as they may be found in the Appendix to their Eighth Report.—November 4th, 1826:

Examination of Rev. Dr. M'Hale, 4th November, before the Commissioners of Irish Education, 1826.

"You will observe that so late as the year 1741, there is a Bull excommunicating all persons, without exception or without any limitation of time or place, who bring Roman Catholic ecclesiastics before lay tribunals. Can you explain how it is that that does not apply to the case that is put?"

"With regard to Bulls of this sort, they are never binding upon us unless we receive and publish them; that Bull was probably never published in this country, and therefore we have nothing to do with its contents."

\* \* \* \*

"In the first section of this Bull there is an universal excommunication of all Lutherans, Calvinists, Hugonots, and all and singular other heretics, by whatsoever name they are called. Is that excommunication confined to any particular country, or does it extend to those heretics wherever they are found?"

"It extends to those heretics wherever they are found in the sense I have explained the Bull; *provided the Bull is received and published in those countries where they think it necessary to receive and publish a Bull, in order that it should have force.* In Italy, for example, it is considered sufficient that it be published at Rome, in order that it should have its effect; it is not so in other countries. But in the sense in which I have explained the Bull and in those countries in which the Bull would be received and published, it would affect them, but in no other sense."

"Although the Bull might not have validity in a country in which it had not been published, is it not sufficient to shew what is the doctrine and what are the principles of the Court of Rome upon those points?"

"Not at all; the doctrine and principles of the Court of Rome are not sufficient to establish the doctrine of the Catholic Church. We distinguish between the Court of Rome and the See of Rome; for the Court of Rome may be a scene of much intrigue and cabal, without affecting at the same time the authority of the Holy See, or decrees of the Catholic Church."

"By the Court of Rome it meant the Pope.

"The Court is a political expression.

"Is not that Bull sufficient to show the principles of Benedict the fourteenth upon those subjects?"

"His Bull is sufficient to show his principles, because his Bull I consider an expression of his mind.

"Is there any definite time within which a Bull must be received in any particular country after it is issued?"

"I am not positive as to the number of days required.

"Is there any thing to prevent this Bull of 1741, being now received in Ireland, or at any future time, supposing it has not been received here already?"

"There is the *collision that would be supposed to result from the reception of that Bull with the established authorities of the country. This is an insurmountable objection.*

\* \* \* \*

"Have no Papal Bulls been received and published in this country in the sense which you attach to those words?"

"I do not know any lately.

"To what period does that apply?"

"It may extend to a remote period; I have said lately that I might not include some ancient Bulls of historical notoriety.

"How would it be known by a Roman Catholic clergyman in this country, whether a particular Bull of the Pope was, or was not, received in Ireland?"

"*Either from his bishop, or the metropolitan.*

Supposing it was thought desirable to know whether a particular Bull had been published in this country or not, how could that be ascertained?"

"*From the bishops.*

"Is there any official or other means by which it would

be possible to ascertain what Bulls have been received in Ireland during the last century?

*"I cannot say; I should think Dr. Murray, or Dr. Kelly, or those bishops who are old in the ministry, would be able to furnish information upon that subject; but as far as my information extends, none have been received."*

Now, let any man whatever be his creed, who has common sense and common honesty, compare statements of these men with the facts of this case.

Dr. Doyle swears that *"this Bull is not in force, and never was in force in Ireland."*

He swears it *"has been rejected from nearly all the Christian countries of Europe."*

He swears that *"if it were in force there is scarcely any thing would be at rest amongst the Catholic states of Europe, and that they have been as solemn and as earnest in protesting against it as they have been at any period in England or in Ireland."*

He swears they *"had never received it in Ireland, and assuredly never will."*

Dr. M'Hale swears it *"probably was never published in this country, and, therefore, we have nothing to do with its contents."*

He admits it extends to all heretics wherever they are found, provided it be received and published in the country. But,

He swears that *"the collision that would be supposed to result from the reception of this bull with the established authorities of the country is an insurmountable objection" to its publication.*

He swears that *it is from the bishops, or the metropolitan the priests are to know whether a bull be received in Ireland, and he names Dr. Murray and Dr. Kelly as the best authorities on the subject.*

Now, what is the fact in opposition to the oaths of these two men?

In that very college in which Dr. M'Hale was then a Professor, and where for a period, I think, of twelve years, he was forming the minds and principles of the generation of priests for Ireland (and indeed they do honour to their Preceptor.) In that very college one of their highest standards of canon law speaks thus of that Bull.

Reiffenstuel—Lib. V. Dec. Tit. 7, de Hæreticis.

No. 80—Nay, in conversation we may sometimes hear,

and (which is to be especially lamented) even secular ecclesiastics and regulars, who dare to say, that the Bulla Cœnæ is not absolutely received, and consequently has no obligation in those places; which doctrine, as it is not only unsound but even extremely prejudicial to the clerical order, and to the immunity and jurisdiction of the church (of which the chiefest, the firmest, and, as if almost the only pillar, is the Bulla Cœnæ) we have thought useful and necessary, especially to refute it.

No. 81—Wherefore, as to the objection already mentioned, and as to that of Layman and Becanus, and their simple assertion it is answered by absolutely denying their whole supposition, that the Bulla Cœnæ can be justly not received in any province whatsoever, or in any place, and consequently also denying that any where it is not so received, that it does not fully impose an obligation upon all, according to all its full sense.

No. 82—The foundation of our answer, we take from the title of the constitutions or the laws, and from the nature and qualities of the Bulla Cœnæ itself. From the title of the constitutions, we have, that according to the more common and true opinion, the acceptance of a just law on the part of the subject, is by no means required for the obligation of the same, as we have proved at large, *Lib. 1, Tit. 2, de Constitut.* 6. But the Bulla Cœnæ is a most just law, as all concede. Therefore, no acceptance of it is required for its obligation, consequently it cannot be concluded by reason of the non-acceptance of this Bull, that it does not impose an obligation.

No. 85—From which we thus argue; for no place, kingdom, or province, is there given, or can there be assigned any just and reasonable cause of not accepting the most just and most holy law comprehended in the Bulla Cœnæ, therefore it is not possible that it is not accepted, consequently all persons everywhere, always, and continually sin, if they do not accept it. The antecedent is plain, as well, because none of the doctors to this day, as far as it appears to us, have dared to allege in writing any reason or cause in appearance, and to say this is a just and reasonable cause in this or in that place of not receiving the Bulla Cœnæ; as well because the whole Bull, in every part, and in respect of all, is most just and equitable, as being that which, besides the excommunication of all heretics (which indeed is most just) principally consists in this, that

under the heaviest excommunication reserved for the Pope, it prohibits all acts, from which heresy, or the danger of heresy, could follow, or be introduced, or being already introduced, could be cherished and more widely spread; such acts as are those to cherish and defend heretics, to read, retain, print, or defend their books; also, those acts which are opposed and prejudicial to the most holy liberty, immunity, or jurisdiction of the church, or to the laws of the Roman Church, or to the power, authority, and jurisdiction of the Pope, the Vicar of Christ on earth, all which prohibitions are most just from every part of the evidence; so that no one can seem to be able to have any just or reasonable cause of not accepting them, especially when reasons, perhaps imaginary, and the interests of private individuals, ought always be postponed to the common good, especially to that of the universal church of God, on account of which the aforesaid prohibitions were made."

The Canonist then goes on to anticipate an objection:

"No. 89—That supposing there were no just cause for not accepting this Bull, that still it might be abrogated by practice, and contrary custom legitimately prescribing against it, since any human law, as this Bull, might be abrogated by the legitimate prescription of custom against it."

To this he answers, and the answer is worth recording, as it tends to throw progressive light on the evidence of these Romish Bishops.

"No. 90—To this objection (which we may frequently hear from some who are badly grounded in the law) we answer again by denying the supposition—namely, that any rational or lawful custom can be either introduced, or afford any legitimate prescription against the Bulla Cœnæ, as well because any custom even for time immemorial was always illegal and invalid against ecclesiastical liberty and immunity, as we have proved at large from both civil and ecclesiastical law (*ex utroque jure*). Lib. I. Tit. IV. de Cons: but any custom against the Bulla Cœnæ is most especially opposed to ecclesiastical liberty and immunity, *as being that for which it was principally published, and of which it was in fact the most prime, and as it were the only pillar*; as also, and indeed chiefly, because this oft-mentioned Bulla Cœnæ *continually revokes and annuls all and singular customs, even though immemorial, and*

*prescribing from the remotest times, and also all other imaginable evasions, by this most salutary and most worthy clause, which runs thus.*"

*"Non obstantibus privilegiis," &c.* See Bull sec. 25.

The Canonist then reasons on this, and answers other objections, and then goes on to say,

"No. 92—From these it manifestly appears, that all practices and customs, whether actually existing in Germany, or in other provinces, are by no means legitimate, lawful, and valid customs, but mere abuses and corruptions, not in the least excusing from crime and censure, notwithstanding that the ordinaries of places for the most part do not proceed against transgressors, nor declare them excommunicated, because these (bishops) *while, to avert greater evils, and for other just causes, they necessarily dissemble similar even open violations of the Bull, they by no means approve them, but leave them to God to be punished, before whom, since no one is free from sin, under the empty pretext of the Bull not being accepted or abrogated by custom, or of any similar futile reasons, so no one shall escape punishment here or hereafter;* which, I wish certain politicians would more consider, both secret and even open enemies, scoffers, and contemners of ecclesiastical jurisdiction and immunity, and of the Pope's authority also, degraders of their own ecclesiastical state, lukewarm defenders, or neglectors of the same."

Now it appears from this book, taught in their college, that not only were there inculcated these principles in flat contradiction to the evidence of these men on this Bull, but we see an actual provision made for that evidence upon the subject, and that, *"when to avoid greater evils, or for other just causes, they might dissemble necessarily even open violations of this Bull, they did not approve of them."* But what will be said when the fact is further stated, that while they were both swearing deliberately, that the Bull was never published, or received in Ireland, it was actually at the time not only published and received, but briefed in Dens that standard set up eighteen years before they gave their oaths, and maintained as the standard, at the time they were giving their oaths, by all the Popish bishops, read in all the colleges, the general conference book, and the rule by which the priests were to direct the consciences of the Roman Catholics of Ireland.

But this was not all. While this was the standard in which these men had been trained themselves as priests, and in which they were training others, as professors and as bishops; when they acquired the reward of this and similar evidence and also of their oath and declaration, of 1826, in being admitted to political power; what was the first act of this very Dr. Doyle, of those men who are now living, and who may disprove the facts if they are able to attempt it, Dr. Murray, the Roman Catholic Archbishop of Dublin, and his two co-provincial bishops, Dr. Keating and Dr. Kinsella? It was to enact their code of Diocesan Statutes, in which they set up afresh this same standard of theology as a conference book for their dioceses, and to add to it the supplemental volume of Papal decretals never before published out of the Papal states, in which this Bull is recognized (see 8th volume, supplement to Dens, pp. 73, 74, 82—84, 98, 99, 101, 164, 165) as of standing authority, and referred to, and in which are to be found all the Papal decretals briefed and cited as authorities for their respective principles of tyranny over Roman Catholics, confiscation, of Protestant property, dispensation for all crimes, persecution, and torture, which be found in the bulls here presented to the public.

This is a sufficient introduction for the Bulla Cœnæ Domini, which Dr. Doyle admits would not allow even a Popish state to be at rest, and which we have, on Dr. M'Hale's admission, is in collision with the civil authorities of the country, and on which there is no necessity for any comment.

#### LITERÆ PROCESSUS PUBLICATÆ DIE CŒNÆ DOMINI ANNO 1741.

*Benedictus episcopus, servus servorum Dei, ad perpetuam rei memoriam.*

PASTORALIS Romani Pontificis vigilantia, et sollicitudo, cum in omni Christianæ Reipublicæ pace, et tranquillitate procuranda, pro sui muneris officio assidue versatur, tum potissimum in Catholicæ fidei, sine qua impossibile est placere Deo, unitate, atque integritate retinenda, et conservanda maxime elucet: Nimirum, ut fideles Christi non sint parvuli fluctuantes, neque circumferantur omni vento doc-

trinæ in nequitia hominum, ad circumventionem erroris, sed omnes occurrant in unitatem fidei, et agnitionis filii Dei in virum perfectum, neque se in hujus vitæ societate, et communione lædant, aut inter se alter alteri offensionem præbeat, sed potius in vinculo charitatis conjuncti, tanquam unius corporis membra sub Christo capite, ejusque in terris Vicario Romano Pontifice Beatissimi Petri Successore, a quo totius Ecclesiæ unitas dimanat, augeantur in ædificationem, atque ita divina gratia adjutrice, sic præsentis vitæ quiete gaudeant, ut futura quoque beatitudine perfruantur. Ob quas sane causas Romani Pontifices Prædecessores Nostri, hodierna die, quæ anniversaria Dominicæ Cœnæ commemoratione sollemnis est, spirituales Ecclesiasticæ disciplinæ gladium, et salutaria Justitiæ arma, per Ministerium summi Apostolatus ad Dei gloriam et animarum salutem solemniter exercere consueverunt. Nos igitur, quibus nihil optabilius est, quam fidei inviolatam integritatem, publicam pacem et justitiam, Deo auctore, tueri, vetustum et solemnem hunc morem sequentes.

§ 1. Excommunicamus, et anathematizamus ex parte Dei Omnipotentis, Patris, et Filii, et Spiritus Sancti, auctoritate quoque Beatorum Apostolorum Petri, et Pauli, ac Nostra, quoscunque Hussitas, Wichlephistas, Luteranos,, Zuinglianos, Calvinistas, Ugonottos, Anabaptistas, Trinitarios, et a Christiana fide Apostatas, ac omnes, et singulos alios Hæreticos, quocunque nomine censeantur, et cujuscunque sectæ existant; ac eis credentes, eorumque receptatores, fautores, et generaliter quoslibet illorum defensores,—ac eorundem libros hæresim continentes, vel de Religione tractantes, sine auctoritate Nostra et Sedis Apostolicæ scienter legentes, aut retinentes, imprimentes, seu quomodolibet defendentes, ex quavis causa, publice vel occulte, quovis ingenio, vel colore; necnon Schismaticos, et eos qui se a Nostra et Romani Pontificis pro tempore existentis obedientia pertinaciter subtrahunt, vel recedunt.

§ 2. Item, excommunicamus et anathematizamus omnes, et singulos, cujuscunque status, gradus, seu conditionis fuerint, Universitates vero, Collegia, et Capitula quocunque nomine nuncupentur, interdicimus, ab ordinationibus, seu mandatis Nostris, ac Romanorum Pontificum pro tempore existentium, ad universale futurum Concilium appellantes, nec non eos, quorum auxilio, consilio vel favore appellatum fuerit.



§ 3. Item excommunicamus et anathematizamus omnes Piratas, Cursarios, ac Latrunculos maritimos, discurrentes Mare Nostrum, præcipue a Monte Argentario usque ad Terracinam, ac omnes eorum fautores, receptatores et defensores.

§ 4. Item excommunicamus et anathematizamus omnes, et singulos, qui Christianorum quorumcunque navibus tempestate, seu in transversum (ut dici solet) jactatis, vel quoquo modo naufragium passis, sive in ipsis navibus, sive ex eisdem ejecta in mare, vel in litore inventa, cujuscunque generis bona, tam in Nostris, Tyrrheni et Adriatici quam in cæteris cujuscunque maris Regionibus et litoribus, surriperint, ita ut nec ob quodcunque privilegium, consuetudinem, aut longissimi, etiam immemorabilis temporis possessionem, seu alium quemcunque prætextum excusari possint.

§ 5. Item, excommunicamus et anathematizamus omnes qui in Terris suis nova Pedagia, seu Gabellas, præterquam in casibus sibi a jure, seu ex speciali Sedis Apostolicæ licentia permissis, imponunt vel augent, seu imponi, vel augeri prohibita exigunt.

§ 6. Item, excommunicamus et anathematizamus omnes falsarios literarum Apostolicarum, etiam in forma Brevis, ac supplicationum, gratiam, vel justitiam concernentium, per Romanum Pontificem, vel S. R. E. Vice-Cancellarios, seu gerentes vices eorum, aut de mandato ejusdem Pontificis signatarum, necnon falso publicantes literas Apostolicas, etiam in forma Brevis, et etiam falso signantes supplicationes hujusmodi sub nomine Romani Pontificis, seu Vice-Cancellarii, aut gerentium vices prædictorum.

§ 7. Item, excommunicamus et anathematizamus omnes illos, qui ad Saracenos, Turcas, et alios Christiani nominis hostes, et inimicos, vel hæreticos per nostras sive hujus Sanctæ Sedis sententias expresse, et nominatim declaratos, deferunt, seu transmittunt equos, arma, ferrum, filum ferri, stannum, chalybem, omniaque Metallorum genera atque bellica instrumenta, lignamina, canapem, funes, tam ex ipso canape quam alia quacunque materia, et ipsam materiam, aliaque hujusmodi, quibus Christianos et Catholicos impugnant; nec non illos qui per se, vel per alios de rebus statum Christianæ Reipublicæ concernentibus, in Christianorum perniciem et damnum, ipsos Turcas et Christianæ religionis inimicos, necnon hæreticos, in damnum Catho-

licæ Religionis, certiores faciunt, illisque ad id auxilium, consilium, vel favorem quomodolibet præstant: non obstantibus quibuscunque privilegiis quibusvis personis, Principibus, Rebuspublicis per Nos et Sedem prædictam hac tenus concessis, de hujusmodi prohibitione expressam mentionem non facientibus.

§ 8. Item, excommunicamus et anathematizamus omnes impediētes, seu invadentes eos, qui victualia seu alia ad usum Romanæ Curiae necessaria adducunt, ac etiam eos qui ne ad Romanam Curiam adducantur, vel afferantur, prohibent, impediunt seu perturbant, seu hæc facientes defendunt per se vel per alios, cujuscunque fuerint ordinis, præeminentiae, conditionis, et status, etiamsi Pontificali, seu Regalia, ut alia quavis ecclesiastica, vel mundana præfulgeant dignitate.

§ 9. Item, excommunicamus et anathematizamus omnes illos, qui ad Sedem Apostolicam venientes, et recedentes ab eadem, sua, vel aliorum, opera interficiunt, mutilant, spoliunt, capiunt, detinent; necnon illos omnes qui Jurisdictionem ordinariam, vel delegatam a Nobis, vel nostris Judicibus non habentes, illam sibi temere vindicantes similia contra morantes in eadem Curia audent perpetrare.

§ 10. Item, excommunicamus et anathematizamus omnes interficientes, mutilantes, vulnerantes, detinentes, capientes seu deprædantes Romipetas seu peregrinos ad Urbem causa devotionis, seu peregrinationis accedentes, et in ea morantes, vel ab ipsa recedentes, et in his dantes auxilium, consilium, vel favorem.

§ 11. Item, excommunicamus et anathematizamus omnes interficientes, mutilantes, vulnerantes, percutientes, capientes, carcerantes, detinentes, vel hostiliter insequentes S. R. E. Cardinales, ac Patriarchas, Archiepiscopos, Episcopos, sedisque Apostolicæ Legatos vel Nuncios aut eos a suis Diocesisibus, Territoriis, Terris, seu Dominiis ejicientes: Necnon ea mandantes vel rata habentes, seu præstantes in eis auxilium, consilium, vel favorem.

§ 12. Item, excommunicamus et anathematizamus omnes illos, qui per se vel per alios, personas Ecclesiasticas quasunque, vel seculares ad Romanam Curiam super eorum causis et negotiis recurrentes, ac illa in eadem Curia prosequentes, aut procurantes, negotiorumque gestores, Advocatos, Procuratores, et Agentes, seu etiam Auditores, vel Judices super dictis causis, vel negotiis deputatos, occasione

causarum, vel negotiorum hujusmodi, occidunt, seu quoquo modo percutiunt, bonis spoliant; seu qui per se vel per alios, directe vel indirecte delicta hujusmodi committere, exequi vel procurare, aut in eisdem auxilium, consilium, vel favorem præstare non verentur, cujuscunque præeminentiæ et dignitatis fuerint.

§ 13. Item, excommunicamus et anathematizamus omnes tam Ecclesiasticos quam seculares, cujuscunque dignitatis, qui prætexentes frivolam quandam appellationem a gravamine vel futura executione literarum Apostolicarum etiam in forma Brevis, tam gratiam quam justitiam concernentium, nec non citationum, inhibitionum, sequestrorum, monitoriorum, processuum, executorialium, et aliorum decretorum, a Nobis, et Sede prædicta seu Legatis, Nunciis, Præsidentibus, Palatii Nostri et Cameræ Apostolicæ Auditoribus, Commissariis, aliisque Judicibus, et Delegatis Apostolicis emanatorum, et quæ pro tempore emanaverint, aut alias ad Curias seculares, et laicam potestatem recurrunt, et ab ea, instante etiam Fisci Procuratore, vel Advocato, appellationes hujusmodi admitti, ac literas, citationes, inhibitiones, sequestra monitoria, et alia prædicta capi et retineri faciunt. Quive illa simpliciter, vel sine eorum bene-placito et consensu vel examine, executioni demandari, aut ne Tabelliones, et Notarii super hujusmodi literarum, et Processuum executione, instrumenta vel acta conficere, aut confecta, parti, cujus interest, tradere debeant, impediunt, vel prohibent, ac etiam partes, seu eorum agentes, consanguineos, affines, familiares, Notarios, executores et subexecutores literarum, citationum, monitoriorum, et aliorum prædictorum capiunt, percutiunt, vulnerant, carcerant, detinent, ex Civitatibus, Locis et Regnis ejiciunt, bonis spoliant, perterrefaciunt, concutiunt et comminantur per se vel per alium seu alios, publice vel occulte; quive alias quibuscunque personis in genere vel in specie, ne pro quibusvis eorum negotiis prosequendis seu gratiis vel literis impetrandis ad Romanam Curiam accedant, aut recursum habeant, seu gratias ipsas vel literas a dicta Sede impetrent, seu impetratis utantur, directe vel indirecte prohibere, statuere seu mandare, vel eas apud se aut Notarios seu Tabelliones, vel alias quomodolibet retinere præsumunt

§ 14. Item, excommunicamus et anathematizamus omnes et singulos, qui, per se vel alios, auctoritate propria ac de

facto, quarumcunque exemptionum vel aliarum gratiarum et literarum Apostolicarum prætextu, beneficiales, et decimarum, ac alias causas spirituales et spiritualibus annexas, ab Auditoribus et Commissariis nostris, aliisque Judicibus Ecclesiasticis avocant; illarumve cursum et audientiam; ac personas, capitula, conventus, collegia, causas ipsas prosequi volente; impediunt, ac se de illarum cognitione tanquam Judices interponunt. Quive partes actrices, quæ illas committi fecerunt, et faciunt, ad revocandum, et revocari faciendum, citationes vel inhibitiones aut alias literas in eis decretas, et ad faciendum vel consentiendum eos, contra quos tales inhibitiones emanarunt, a censuris et poenis in illis contentis absolvi, per statutum vel alias compellunt, vel executionem literarum Apostolicarum, seu executorialium, processuum, ac decretorum prædictorum quomodolibet impediunt, vel suum ad id favorem, consilium aut assensum præstant, etiam prætextu violentiæ prohibendæ, vel aliarum prætensionum, seu etiam, donec ipsi ad Nos informandos, ut dicunt, supplicaverint aut supplicari fecerint, nisi supplicationes hujusmodi coram Nobis et Sede Apostolica legitime prosequantur, etiamsi talia committentes fuerint, Præsidentes Cancelliarum, Consiliorum, Parliamentorum, Cancellarii, Vice-Cancellarii, Conciliarii ordinarii, vel extraordinarii quorumcunque Principum secularium, etiamsi Imperiali, Regali, Ducali, vel alia quacunque præfulgeant dignitate; aut Archiepiscopi, Episcopi, Abbates, Commendatarii, seu Vicarii fuerint.

§ 15. Quive ex eorum prætenso officio, vel ad instantiam partis aut aliorum quorumcunque personas Ecclesiasticas, Capitula, Conventus, collegia Ecclesiarum quarumcunque coram se ad suum Tribunal, Audientiam, Cancellariam, Concilium, vel Parlamentum, præter juris canonici dispositionem, trahunt, vel trahi faciunt, vel procurant, directe vel indirecte, quovis quæsito colore; nec non qui statuta, ordinationes, Constitutiones, pragmaticas, seu quævis alia decreta in genere vel in specie, ex quavis causa, et quovis quæsito colore, ac etiam cujusvis consuetudinis aut privilegii, vel alias quomodolibet fecerint, ordinaverint et publicaverint, vel factis et ordinatis usi fuerint, unde libertas Ecclesiastica tollitur, seu in aliquo læditur vel deprimitur, aut alio quovis modo restringitur, seu Nostris et dictæ Sedis, ac quarumcunque Ecclesiarum jurebus quomodolibet, directe vel indirecte, tacite vel expresse, præjudicatur.

§ 16. Nec non qui Archiepiscopos, Episcopos, aliosque Superiores et inferiores Prælatos, et omnes alios quosunque Judices Ecclesiasticos ordinarios quomodolibet hac de causa, directe vel indirecte, carcerando vel molestando eorum agentes, procuratores, familiares, nec non consanguineos et affines, aut alias impediunt, quo minus jurisdictione sua Ecclesiastica contra quosunque utantur, secundum quod Canones et sacræ Constitutiones Ecclesiasticæ et decreta conciliorum generalium, et præsertim Tridentini statuunt, ac etiam eos, qui post ipsorum ordinariorum vel etiam ab eis delegatorum quorumcunque sententias et decreta, aut alias fori Ecclesiastici Judicium eludentes, ad Cancellarias et alias Curias seculares recurrunt, et ab illis prohibitiones et mandata etiam pœnalia ordinariis aut delegatis prædictis decerni, et contra illos exequi procurant; eos quoque qui hæc decernunt et exequuntur, seu dant auxilium, concilium, patrocinium et favorem eisdem.

§ 17. Quive jurisdictiones, seu fructus, redditus et proventus ad Nos et Sedem Apostolicam, et quascunque Ecclesiasticas personas ratione Ecclesiarum, Monasteriorum, et aliorum beneficiorum Ecclesiasticorum pertinentes usurpant, vel etiam quavis occasione vel causa sine Romani Pontificis vel aliorum ad id legitimam facultatem habentium expressa licentia sequestrant.

§ 18. Quive collectas, decimas, talleas, præstantias et alia onera Clericis, Prælati, et aliis personis Ecclesiasticis, ac eorum et Ecclesiarum, Monasteriorum, et aliorum beneficiorum Ecclesiasticorum bonis, illorumve fructibus, redditibus, et proventibus hujusmodi, absque simili Romani Pontificis speciali et expressa licentia, imponunt et diversis, etiam exquisitis modis exigunt aut sic imposita, etiam a sponte dantibus et concedentibus recipiunt. Nec non qui per se vel alios directe vel indirecte prædicta facere, exequi vel procurare, aut in eisdem auxilium, consilium vel favorem præstare non verentur, cujuscunque sint præeminentiæ, dignitatis, ordinis, conditionis aut status, etiamsi Imperiali aut Regali præfulgeant dignitate; seu Principes, Duces, Comites, Barones, et alii potentatus quicunque, etiam Regnis, Provinciis, Civitatibus et Terris quoque modo Præsidentes, Consilarii et Senatores, aut quavis, etiam Pontificali dignitate insigniti, Innovantes decreta super his per sacros Canones, tam in Lateranensi novissime celebrato, quam aliis Consiliis generalibus edita, cum censuris et pœnis in eis contentis.

§ 19. Item, excommunicamus et anathematizamus omnes et quoscunque Magistratus et Judices, Notarios, Seribas, Executores, Sub-executores, quomodolibet se interponentes in causis capitalibus seu criminalibus contra personas Ecclesiasticas, illas processando, banniendo, capiendo, seu sententias contra illas proferendo vel exequendo sine speciali, specifica et expressa hujus Sanctæ Sedis Apostolicæ licentia; quique ejusmodi licentiam ad personas et causas non expressos extendunt, vel alias illa perperam abutuntur, etiamsi talia committentes fuerint Consiliarii, Senatores, Præsidentes, Cancellarii, Vice-cancellarii, aut quovis alio nomine nuncupati.

§ 20. Item excommunicamus et anathematizamus omnes illos, qui per se, seu alios, directe vel indirecte, sub quocunque titulo vel colore, invadere, destruere, occupare et detinere præsumpserint, in totum vel in partem, Almam Urbem, Regnum Siciliæ, Insulas Sardiniae et Corsicæ, et Terras citra Pharam, Patrimonium Beati Petri in Tuscia, Ducatum Spoletanum, Comitatum Venaysinum, Sabinensem, Marchiæ Anconitanæ, Massæ, Trebariæ, Romandiolæ, Campaniæ, et maritimas Provincias illarumque terras et loca, ac terras specialis commissionis Arnulforum, Civitatesque Nostras Bononiam, Cæsenam, Ariminum, Beneventum, Perusium, Avinionem, Civitatem Castelli, Tuderum, Ferrariam, Comaculum, et alias Civitates, terras et loca, vel jura ad ipsam Romanam Ecclesiam pertinentia, dictæque Romanæ Ecclesiæ mediate vel immediate subjecta, nec non supremam jurisdictionem in illis, Nobis et eidem Romanæ Ecclesiæ competentem, de facto usurpare, perturbare, retinere et vexare variis modis præsumunt, nec non adhærentes, fautores et defensores eorum, seu illis auxilium, consilium, vel favorem quomodolibet præstantes.

§ 21. Volumus præsentibus Nostros processus, ac omnia et quæcunque his literis contenta, quousque alii hujusmodi processus a Nobis aut Romano Pontifice pro tempore existente fiant aut publicentur, durare, suosque effectus omnino sortiri.

§ 22. Cæterum a prædictis sententiis nullus per alium quam per Romanum Pontificem, nisi in mortis articulo constitutus, nec etiam tunc, nisi de stando Ecclesiæ mandatis, et satisfaciendo cautione præstita, absolvi possit, etiam prætextu quarumvis facultatum et indulgentiarum quibuscunque personis ecclesiasticis secularibus et quorumvis Ordinum,

etiam Mendicantium et Militarium; Regularibus, etiam Episcopali vel alia majori dignitate præditis, ipsisque Ordinibus et eorum Monasteriis, Conventibus et Domibus ac Capitulis, Collegiis, Confraternitatibus, Congregationibus, Hospitalibus, et locis piis, nec non laicis, etiam Imperiali, Regali, et alia mundana excellentia fulgentibus, per Nos et dictam Sedem, ac cujusvis Concilii decreta, verbo, literis, aut alia quacunque scriptura in genere vel in specie concessorum et innovatorum, ac concedendorum et innovandorum.

§ 23. Quod si forte aliqui contra tenorem præsentium talibus excommunicatione et anathemate laqueatis, vel eorum alicui absolutionis beneficium impendere de facto præsumpserint; eos excommunicationis sententia innodamus, gravius contra eos spiritualiter, et temporaliter, prout expedire noverimus, processuri.

§ 24. Declarantes, ac protestantes quamcunque absolutionem, etiam si solemniter per Nos faciendam, prædictos excommunicatos, sub præsentibus comprehensos, nisi prius a præmissis cum vero proposito similia ulterius non committendi, destiterint, ac quoad eos, qui contra Ecclesiasticam libertatem, ut præmittitur, statuta fecerint, nisi prius statuta, ordinationes, constitutiones, pragmaticas, et decreta hujusmodi publice revocaverint, et ex Archivis seu capitularibus, locis aut libris, in quibus annotata reperiuntur, deleri et cassari, ac Nos de revocatione hujusmodi certiores fecerint, eos non comprehendere, nec eis aliter suffragari; quin etiam per hujusmodi absolutionem, aut quoscunque alios actus contrarios, tacitos vel expressos, ac etiam per patientiam et tolerantiam Nostram vel Successorum Nostrorum, quantocunque tempore continuatam, in præmissis omnibus et singulis, ac quibuscunque juribus Sedis Apostolicæ ac Sanctæ Romanæ Ecclesiæ undecunque et quandocunque quæsitis, vel querendis, nullatenus præjudicari posse, aut debere.

§ 25. Non obstantibus privilegiis, indulgentiis, indultis, et literis Apostolicis, generalibus vel specialibus, supradictis, vel eorum alicui, seu aliquibus aliis cujuscunque ordinis, status vel conditionis, dignitatis et præeminentiæ fuerint, etiam si, ut præmittitur, Pontificali, Imperiali, Regali, seu quavis Ecclesiastica et mundana præfulgeant dignitate; vel eorum Regnis, Provinciis, Civitatibus, seu locis a prædicta Sede ex quavis causa etiam per viam contractus aut

remunerationis, et sub quavis alia forma et tenore, ac cum quibusvis clausulis, etiam derogatoriis derogatoriis concessis, etiam continentibus quod excommunicari, anthematizari, vel interdici non possint, per literas Apostolicas non facientes plenam et expressam ac de verbo ad verbum de privilegis et indultis hujusmodi, ac de ordinibus, locis, nominibus propriis, cognominibus et dignitatibus eorum mentionem, nec non consuetudinibus, etiam immemorabilibus, ac præscriptionibus quantumcunque longissimis, et aliis quibuslibet observantiis, scriptis vel non scriptis, per quæ contra hos Nostros processus ac sententias, quominus includantur in eis, se juvare valeant vel tueri, Quæ omnia quoad hoc, eorum omnium tenores, ac si ad verbum, nihil penitus omissis, insererentur præsentibus, pro expressis habentes, penitus tollimus, et omnino revocamus, cæterisque contrariis quibuscunque.

§ 26. Ut vero præsentibus Nostri processus ad publicam omnium notitiam facilius deducantur, chartas seu membranas processos ipsos continentes, valvis Basilicæ S. Joannis Lateranensis et Basilicæ Principis Apostolorum de Urbe appendi faciemus, ut ii, quos processus hujusmodi concernunt, quod ad ipsos non pervenerint, aut quod ipsos ignoraverint nullam possint excusationem prætereundere aut ignorantiam allegare; cum non sit verisimile, id remanere incognitum, quod tam patenter omnibus publicatur.

§ 27. Insuper, ut processus ipsi et præsentibus literæ, ac omnia et singula in eis contenta, eo fiant notiora, quo in plerisque Civitatibus et locis fuerint publicata; universis et singulis Patriarchis, Primatibus, Archiepiscopis, Episcopis, et locorum ordinariis, et Prælatibus ubilibet constitutis, per hæc scripta committimus, et in virtute sanctæ obedientiæ districte præcipiendo mandamus ut per se vel per alium, seu alios, præsentibus literas, postquam eas recipierint, seu earum habuerint notitiam, semel in anno, aut si expedire viderint, etiam pluries, in Ecclesiis suis dum in iis major populi multitudo ad divina convenerit, solenniter publicent, et ad Christi fidelium mentes reducant, nuncient, et declarent.

§ 28. Cæterum Patriarchæ, Archiepiscopi, Episcopi, alique locorum ordinarii, et Ecclesiarum Prælati, necnon rectores, cæterique curam animarum exercentes, ac Presbyteri seculares et quorumvis ordinum regulares, ad audiendas peccatorum confessiones quavis auctoritate deputati,



transumptum præsentium literarum penes se habeant, easque diligenter legere et percipere studeant.

§ 29. Volentes earundem præsentium transumptis, etiam impressis, Notarii publici manu subscriptis, et sigillo Judicis ordinarii Romanæ Curiae vel alterius personæ in dignitate Ecclesiastica constitutæ munitis, eandem prorsus fidem in Judicio, et extra illud ubique locorum adhibendam fore, quæ ipsis præsentibus adhiberetur, si essent exhibitæ vel ostensæ,

§ 30. Nulli ergo omnino hominum liceat hanc paginam nostræ excommunicationis, anathematizationis, interdicti, innovationis, innodationis, declarationis, protestationis, sublationis, revocationis, commissionis, mandati et voluntatis infringere, vel ei ausu temerario contraire: siquis autem hoc attentare præsumpserit, indignationem Omnipotentis Dei ac Beatorum Petri et Pauli, Apostolorum ejus se noverit incursurum.

Datum Romæ, apud S. Petrum, anno Incarnationis Dominicæ millesimo septingentesimo quadregesimo premo III. Kalendas Aprilis, Pontificatus Nostri Anno mo.

N. B. This Bull was published by four Popes:—

Paul V.	A.D.	1610
Urban VIII.	—	1627
Clement XI.	—	1701
Benedict XIV.	—	1741

It is publicly read every year at Rome.

And now set up by these Popish Bishops in Ireland,  
A. D. 1832.

**THE PAPAL LAW FOR THE RESTITUTION OF ALL  
FORFEITED PROPERTY, LAY AND EC-  
CLESIASTICAL, IN IRELAND,**

**SET UP BY THE ROMISH BISHOPS OF LEINSTER,**

**A. D. 1832.**

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THE next Papal Decretal of importance, that is to be laid before the public, is the law which the Romish bishops, have set up for the subversion of the Act of Settlement, and the restitution of all the forfeited property of this country. But before we come to the Bull itself, by which this is enacted, we must mark the evidence of those individuals, by whom the principles of this Bull had been previously evaded and denied. It seems a most singular fact that the providence of God had directed Protestant legislators and commissioners to investigate not only the principles of Romish bishops, professors, and demagogues, upon these subjects, but actually to examine them with respect to the identical bulls themselves, before the concession of political power to them. It is a point of no small importance to the full statement of the facts, and enabling the public to form a just opinion of them, to compare the evidence given by these men on all these subjects, and the solemn oaths and professions made by them before the Bill of 1829; with the principles contained in these Bulls and Decretals which the hierarchy have since set up to guide the consciences of the Roman Catholic population.

We have seen Dr. Doyle's evidence on the Bulla Cœnæ Domini. We shall now see the evidence of Doctors Mur-

ray and Doyle on Property, and also of their agent and tool, Daniel O'Connell, we shall see the united declaration and oath of all the Popish bishops; and we shall see the evidence of the Professor of Canon Law, in Maynooth, on that identical bull which these bishops have now published, for the Restitution of the Property of Ireland.

The first document is taken from the Report of the Select Committee of the Commons, on the State of Ireland, 22d March, 1825, pp. 237 :—

#### EVIDENCE OF DR. MURRAY ON PROPERTY.

Have you any reason to think that in the minds of any part of the Roman Catholic clergy there exists any hope or any wish to interfere with the temporal possessions of the Established Church.

*Not the least ; there is no wish on the part of the Roman Catholic clergy to disturb the present establishment, or to partake of any part of the wealth that it enjoys.*

Nor any objection to give the *most full and entire assurance on that subject by any declaration* that may be required of them ? *Not the least.*

Do not you think that if there was an establishment for the Roman Catholic Clergy provided by the State, that would afford an argument to those who object, that they, being Catholics, should pay for the Protestant clergy, as Protestants might then say. We who are Protestants pay for Catholic clergy ? I think that would be a very powerful argument.

Though the Catholic clergy of Ireland might not wish to interfere with the property of the Protestant Church, is it not a general feeling among the Catholics, and indeed general amongst a great many of the Protestant communion also, that the establishment of the Church of Ireland should be very much curtailed, that there should be a new modelling of it ?

It is a general feeling among Catholics, as well as Protestants, that the establishment is unnecessarily rich ; but I do not observe any feeling in Catholics as Catholics, to exert themselves for its curtailment more than Protestants.

That feeling is rather *an opinion of political economy, than a religious feeling ?*

*Exactly so ; as religionists, they have no particular feeling ?*

Is it their disposition to leave the matter entirely with the legislature ?

*Yes.* \* \* \* \*

Then, in the event of disturbances with respect to tithe having taken place in particular counties in Ireland, do you connect those disturbances with the circumstance of the inhabitants of those countries being Catholics, or with the circumstance that in those countries the tithe of potatoes was claimed ?

I think it more likely that they arose from the nature of the tithe, and from the manner of collecting it.

Have you not found, or have you not collected from your observation, that the insurrections in different parts of the south and west of Ireland, have been directed as much against the payment of dues to the Roman Catholic clergy, as against the payment of tithe to the Protestant.

They have often been so directed against the dues paid to the Catholic clergy, as well as against tithe paid to the Protestant clergy."

This is the evidence of the man who now in the public prints can call the property of the Established Church "*a blood-stained impost*" and set up that Bull, which the reader will next peruse, for his priests to direct the consciences of the people by which they are stimulated to resist it.

The next evidence adduced shall be from the pen of Dr. Doyle, who, in 1826, addressed a letter amounting to a volume, to the Earl of Liverpool, in which he laboured to exculpate the Popish Church from all the crimes imputed to her, of perjury, persecution, invasion of property, and religious liberty. There seemed a peculiar treachery in the conduct of this man, for while, as we shall see, he tries to persuade Lord Liverpool and the Protestants of this Empire, that the admission of Popery to power would give increased security to the property of the Church, and refers Lord Liverpool to his evidence on oath on the subject ; and while he joins his brother bishops in that awful act of deliberate perfidy, the oath which they all gave and subscribed as their oath and declaration to the Protestant public ; this was the very man who not only joined Dr. Murray in setting up this Bull for the direction of the consciences of the people, but he was the man who first set the example of carrying its provisions into effect, by directing the consciences of the people against it, stimulating

them by himself, and through his priests, to resist that very property which he had sworn he "would use his best efforts to defend," and published his celebrated manifesto to Lord Farnham, in which he expressed his hope that "the hatred of the people to tithe would be as lasting as their love of justice."

Let the reader now, especially the Roman Catholic reader, mark this Bishop's letter. Let him recollect that this is one of those men, who profess to be the infallible guides of his immortal soul; let him carefully mark the facts submitted to him here, and compare the principles professed to Protestants, with those set up in this Bull, for the secret use of the Priests in directing his conscience in the confessional.

The following is an extract from the "Essay on the Catholic Claims," by Dr. Doyle.

"So little, my Lord, am I disposed, in the event of our question being settled, to interfere with the Church Establishment, that when a gleam of hope (and it was but a gleam) beamed upon my mind, of that happy consummation, *I took the liberty of suggesting in my examination before your Lordship, how the collection of tithes in Ireland could be rendered less onerous and odious*; whilst in reply to a question proposed to me on the same subject, *I gave on my oath the following answer*:—'I conceive that the removal of the disqualification under which Roman Catholics labour, *would lessen considerably those feelings of opposition which they may at present entertain with regard to the Establishment*; chiefly for this reason, that whilst we labour under the disabilities which now weigh upon us, we find that the Established Clergy, who are very numerous and very opulent, employ their influence and their opulence in various ways, to oppose the progress of our claims; and I do think that if those claims were once adjusted, and the concessions which we desire granted, the country would settle down into a habit of quiet, and that we would no longer feel the jealousy which we now feel against the clergy of the Established Church, because that jealousy arises chiefly from the unrelaxed efforts which they have almost universally made to defeat our claims. *We would view them then, if those claims were granted, as brethren labouring in the same vineyard with ourselves, seeking to promote the interests of our common country.*"

It would be an insult to the understanding of the reader to point out the spirit of candour, of charity, of regard for the solemnity of oaths which appears to pervade this passage. Dr. Doyle reminds Lord Liverpool, not only that these were his principles, but to silence any possible doubt of their sincerity that could arise in his Lordship's mind, or that of any other individual, he reminds him that they were his principles, ratified by his oath. "*I gave on my oath the following answer,*" he says. Let this be borne in mind. We now pass from the oath of one Bishop to the confederated oath of the whole body of them. We have in the next document their principles set before the Protestants in their declaration, given as their solemn oath, and signed by every one of them, and appended to this book of Dr. Doyle's.

EXTRACT FROM THE DECLARATION AND OATH OF THE  
ROMAN CATHOLIC BISHOPS, 1826.

"The Catholics of Ireland, far from claiming any right or title to forfeited lands, resulting from any right, title, or interest, which their ancestors may have had therein, declare upon oath, 'that they will defend to the utmost of their power the settlement and arrangement of property in this country, as established by the laws now in being.' They also 'disclaim, disavow, and solemnly abjure, any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic establishment in its stead. And further, they swear that they will not exercise any privilege to which they are or may be entitled, to disturb and weaken the Protestant religion and Protestant government in Ireland.'"—*Dr. Doyle's Letter*, p. 302.

It is a pity the names should not be transmitted to posterity of those bishops who subscribed this Oath and Declaration; and as it must be frequently referred to, they shall be recorded in this page.

Patrick Curtis,	Cornelius Egan,	Peter Waldron,
Oliver Kelly,	William Crolly,	John Murphy,
Farrell O'Reilly,	Patrick Maguire,	James Doyle,
Peter M'Loughlin,	Patrick M'Mahon,	P. M'Nicholas,
James Magauran,	John M'Hale,	P. M'Gettigan,
Geo.T. Plunkett,	Daniel Murray,	Edmund French,
James Keating,	Robert Laffan,	Thomas Coen,
Charles Tuohy,	J.O'Shaugnessy,	Robert Logan,
Edward Kiernan,	Thomas Costello,	Patrick Burke,
Patrick Kelly,	Kearan Marum,	John Ryan.

These were the men whose names were affixed to this Oath and Declaration—and these were the principles they were professing avowedly to the Protestants, while Dens was the standard of their secret conferences, (or the priests, and the Notes of the Rhemish Testament, their infallible exposition of Scripture for the people.

We shall next produce the evidence of Mr. O'Connell before the Committee of the House of Lords on the state of Ireland, 11th March, 1825.

DANIEL O'CONNELL, Esq.

“What are the facts upon which the conscientious opponents of the claims of further privileges to the Catholics rest, and upon which you think, if better informed, they would withdraw their opposition?”

“We understand that some extremely high names, and there cannot be higher possibly than some of them, rest their opposition *on the danger of the reassumption of the forfeited estates*. There were opinions published of persons of rank and weight, that the Catholics, if admitted to the administration of justice, would not do equal justice to Protestants as well as Catholics—opinions that Catholics looked for the establishment of their church in the room of the present Established Church—that *they looked for a transfer of the ecclesiastical property*—that they looked for the means of oppressing the Protestants of Ireland, and obtaining a Catholic ascendancy in the room of the Protestants. These appear to me, from my present recollection, to be the facts upon which it seems there is a conscientious objection to the admission of the Catholics; and I should wish to say, *that if they were founded, or any of them founded, I should certainly admit them to be most valid objections to Catholic emancipation. I know that there is not the least danger of the reassumption of forfeited estates*. The forfeited estates are of two natures—estates which belonged to the church when it was a Roman Catholic Church, and estates which belonged to individuals who were Catholics and forfeited. Now I know that in practice the more recent forfeitures, which would be of course the most exposed to danger of reassumption, are considered now the best titles to be purchased by Catholics. I know *that there is an impossibility at present in tracing out the persons who, if there were a reassump-*

tion, would have what would be considered legitimate title to those forfeited estates, even the most recent, or so great a difficulty, as to amount in any one case in my judgment to an impossibility ; but take three, or four, or five cases, I would venture to assert, and I do assert it to amount to an impossibility. *The forfeited estates are now constituted the properties of the Roman Catholics. I do not know a Roman Catholic who even purchased any thing but a portion of a forfeited estate, forfeited either by the church or by private individuals ;* so that I can state with confidence to the committee, that all the estates the Catholics have purchased since 1778, have been forfeited estates. Then the Catholics have a number of leases for lives renewable for ever, and leases of lives and valuable terms of years ; all that I know, and I believe the proposition may be stated universally, are upon forfeited estates. Of course if there was a reassumption, the Catholics would lose those. In my own individual instance, if I may be permitted to say it, I have but one small property that was not forfeited ; the rest, which although comparatively trivial, is of course of great importance to me, is either forfeited by individuals, or forfeited by the church, for I have both. The property I allude to as forfeited by the church, belonged to the priory of the Canons Regular of St. Austin, in the Barony of Iveragh ; the parish which is still called the Priory parish. The word forfeiture certainly is not an applicable term, but the term of reassumption would apply to both ; it was confiscation. All the property of both my brothers—and they are each of them quite independent, is forfeited estates, if I may use the expression of one or the other kind ; for my youngest brother, before I came here, completed a purchase of a fee simple estate of about £700 a year, that was forfeited by a Colonel Roger M'Killigut at the usurpation, it appearing by the patent of the family of Morris, that it had been so forfeited, stiled in the book of distributions of an Irish Papist. My other brother has one estate that produces him £1,000 a year at present, and being set on determinable leases, the reversion is very valuable. That was the estate of the Abbey of O'Dorney, called in the antient records, the Abbey of Kyrie Elison ; it was a mitred Abbacy, and the Abbot was a Lord of parliament. I mention these individual instances to shew, that the Catholic gentry are all



interested in maintaining the present system of property—that the Catholic farmers are all interested in maintaining the present state of property that is derived under the Acts of Settlement, and those patents; and I would venture to assert, that there is nothing that would be so likely to create a civil war in Ireland among the Roman Catholics, as any attempt to alter the Acts of Settlement, or look for the old heirs or successors to those properties—all the intelligence of the Catholics of the country—all its moral vigour, would certainly take as strong a part as prudence and conscience permitted them, to oppose such an alteration.

“You state that it would be totally impossible to trace any persons who were entitled to landed property among the laity; what objection would there be to the church setting forward her old rights; the church having a perpetual succession, and perpetual descent, and claiming the Abbey and church lands, which have been forfeited?”

“*That Catholics would resist that precisely as much as any others would.* An immense number of Catholics on the estate of the Earl of Limerick would, to my knowledge, resist it most strenuously.

“You do not conceive that there would be any danger of the Roman Catholic Church reclaiming those lands, the Church having perpetual succession?”

“To my knowledge, not the least, and no Protestant would resist it more strenuously, to the loss of life, than the Catholics would. *We know that in point of religion the title is now gone out of the Church, and could not be reassumed without the law of Ireland giving it again to the Church; and the making of that law we would resist, feeling as conscientious Catholics, that the land is ours.*”

Such is the evidence of Daniel O’Connell. Now, as it is the Editor’s intention merely to state facts, he will only point out in the evidence of that individual the loop-hole which he leaves for the Papal hierarchy to bring him with a clean conscience out of it. He admits that any of the objections which he specifies would be valid against Popish emancipation. He tells us the Roman Catholics would resist the subversion of the Act of Settlement as “*far as prudence and conscience permitted them.*” But neither “*prudence*” nor “*conscience*” permit him to resist a Bull of the Pope set up by his

bishops for the priests to direct his conscience ; on the contrary true religion commands his submission to it, and how devotedly the gentleman obeys, is a fact which the Editor need not attempt to dwell on.

The next document is, the examination of Dr. Nicholas Slevin, Professor of Canon Law in Maynooth, before the Commissioners of Education who examined him on this very Bull. The Commissioners, or some of them who had seen this document, knew that it was calculated to overturn the Act of Settlement, and that if once the Roman Catholics could obtain political power, and that this law was to be the standard of their principles, it must produce eternal efforts on the part of Popery, to overturn all Protestant property in Ireland, therefore they examined this professor on this very Bull.

We find in the Appendix to 8th Report of Commissioners of Irish Education, the examination of N. Slevin, D. D. of which the following are extracts, 4th December, 1826. page 229.

“The Commissioners now beg to call your attention to another Bull, entitled “Concerning the estates of the Churches which had been once in the possession of Infidels, and afterwards fell into the hands of the Christians,” issued by Pope Benedict XIV. in the year 1752, and addressed to the Secretary of the Sacred Congregation de Propaganda Fide ; the whole of this Bull appears to be a careful exposition of the Canon Law upon this subject ; the Pope declaring in the third section. (Here follows a long quotation from the Bull.) The question is, would it not follow, that the Roman Catholic Church retains, through all times, a right to any landed or immoveable property which she may have lost in an unjust war ?

I must beg to observe in the first place, that the Roman Catholics do not consider themselves bound to vindicate all the decisions of Popes. I had occasion to state in my answers to former questions, that the decisions of Popes, in particular cases, are not at all considered as doctrines of faith, or rules of morals by the Roman Catholic Church, or as binding on Roman Catholics in general. In order to corroborate the answers I have already given, I will beg to read a short quotation from Verron's Rule of Faith, which I have stated to be generally received by Roman

Catholics as a concise and accurate statement of Catholic doctrine. "All Catholics agree that the Pope, as Pope, with his Council, and even with a general Council, may err in particular controversies of fact, which must depend on the information and testimonies of men." I beg further to state, that the Pope, in the rescript now under consideration, does not give any decision ; but states, that he thinks it prudent to abstain from giving any decisive judgment, and merely delivers his opinion on the matter, as appears from these words :—"This is what moves us to resolve, until we are better informed, not to come to a determination on the instructions to be given to the Archbishop of Antibaris." Hence I conceive, no inference whatever can be drawn from the rescript before us, as it is a mere opinion advanced by the Pope, and not a decisive judgment." \* \* \*

Appendix, No. 32, Examination of the Rev. N. Slevin, 5th December, 1826. page 233.

"Are these any of the principles laid down in the Bull under discussion by the Pope, in the three sections read to you on a former examination, which you conceive not to be the canon law of Ireland, nor to be principles in any manner binding on the conduct of Roman Catholics in Ireland? and if so, the commissioners would request you to state the particular principles which you conceive not so to apply in Ireland.

"I consider that the abstract principles of natural justice set down in the rescript before us, are not only applicable to Ireland, but to all countries ; with regard to the principles of canon law to which the Pope alludes, they are few, and confined to the following ; 1st. the canon law exempting church property from the evils consequent on war ; 2ndly. the canon law regarding restitution in cases of theft ; and 3rdly. that which establishes the conditions of prescription. The author of the rescript seems to confess that the canon law exempting church property from the calamities attendant on war is already obsolete, and therefore, is not binding in any country. With regard to the canon law relating to restitution and prescription, a general proposition has been established, that the canon laws relating to property, or temporalities of any kind, are binding in any country, no further than they

are sanctioned by the municipal laws of that country. In all Catholic countries, the Canon law binding in that country, is sanctioned by the Municipal law of the country, and the Ecclesiastical tribunals are authorized and sanctioned by the state; the church property enjoys immunities in all those countries, and the Ecclesiastical courts alone take cognizance of causes relating to it. In the Ecclesiastical courts established by law, cases are decided according to the Canon law; but in countries where the Canon law is not supported by the Municipal law, nor the Ecclesiastical tribunals authorized by law, nor the immunities of the church sanctioned, all Canon laws relating to property can have no application at all. This I conceive to be the state of this country, with regard to Roman Catholics; therefore, any thing to be found in the Bull before us, or indeed in the whole body of the Canon law relating to property, can have no application whatever in this country, in which the property of the Roman Catholic Church is not acknowledged, and her Ecclesiastical courts are not sanctioned by law, nor her Canon law recorded. I recollect to have read in Blackstone's Commentaries, that the Canon law in general is binding by the laws of the country, except in the cases in which it may have been modified by occasional Acts of Parliament; however, the Canon law thus sanctioned by the English laws, can only apply to the Protestant Church, which is the only Church to which the law gives civil rights as a corporate body.

\* \* \* \*

Examination continued p. 235.

“Do you not conceive that the transfer of the property formerly belonging to the Roman Catholic Church which has taken place to the Protestant Church, is, or not now to be considered a lawful transfer?”

“I consider that it is now a lawful transfer, and has been such for many years; it would not be an easy matter to point out the period precisely when it became a lawful transfer; but I may state in general, that the transfer became lawful when the possessors of Church property could not be molested in their possession, without disturbing the public peace and tranquillity, and the security of property in the country. We consider, indeed, that the spoliation

of our church in the commencement was unjust, but we also consider, that by lapse of years, like other usurpations, that also has been sanctified by time, or that period of time is what I have already pointed out, that is, when the possessors could not be molested in the possession of it, without endangering the welfare, and shaking the very foundation of the state.

“Do you consider that inasmuch as the property which formerly belonged to the Roman Catholic Church, has been transferred for more than two centuries to the Protestant Church, and as the Catholics have submitted to that transfer, and have sworn, and do swear to maintain the settlement of property in this country, that the Established Church is now, to all intents and purposes, the legal owner of that property?

“I consider, that the present possessors of church property in Ireland, of whatever description they may be, have a just title to it, on various grounds; 1st. on the ground of a lawful transfer made by the government of the country; for though, as I mentioned, Catholics may consider the original transfer to have been unjust, still they all must, and do allow, that in the course of time, the transfer sanctioned by the government became lawful, that is, when it became necessary for the public welfare to confirm the rights of the actual possessors of church property. 2ndly. on the ground that they have been *bonâ fide* possessors for all the time required by any law for prescription, even according to the pretensions of the Court of Rome, which requires a hundred years. I consider they have possessed said property *bonâ fide*, because their right was founded on a title acquired from a lawful government, a title of whose validity they entertained no doubt; 3rdly, on the principle that those who might be supposed to have any claim to it, have repeatedly, and in the most positive manner declared, that they freely cede any right which they might have, or might be thought to have to the same; this cessation, or rather declaration that they have no claim, is expressed in the oath of allegiance, which is taken by the Catholics in general in this country, and in particular by many of our bishops and clergy, who never decline it when proposed to them; now those in this country who might be supposed to have any claim to the church property, would be, according to the principles of

canon law, the bishops and clergy of the country ; then as they have renounced in the most positive manner, and even on oath, all such claims, it follows that the present possessors have a just right to that property, even on the ground of the express consent of those who might have any pretension to it. It therefore appears, that the present possessors of church property in Ireland, have a just title to the same, on all the principles laid down by the Pope, in the rescript before us ; 1st. by lawful transfer made by the government ; 2ndly. by lawful prescription ; and 3rdly. by the consent of those who might have any claim to it ; those are the three principles on which the Pope discusses in the rescript, the right of the Antibarians.

“ The question remains how far those positions are reconcilable with the canon law ; do you think they are reconcilable ?

“ Most certainly, they are perfectly reconcilable to the principles of canon law, as they are understood all over the Catholic world.”

And with this rescript in particular ?

“ Most assuredly ; for, as I have repeatedly mentioned, they are the principles on which the Pope examines the title on which the inhabitants of Antibaris might possess to the church property in question. For 1st. the Pope examines their title on the principle of war, or right of conquest ; he declares as his opinion, that the purchasers at Antibaris did not acquire a title on this ground, because the war was unjust. 2ndly. he examines their title on the ground of a presumed assent on the part of the former owners ; he gives it as his opinion, that such assent cannot be presumed, where there is question of immoveable property ; and therefore that the purchasers at Antibaris did not acquire a right on this ground of presumed assent. He again examines the title on the ground of dereliction ; he declares as his opinion, that the property in question could not be considered as abandoned, and hence that the purchasers did not acquire a title on this ground ; he also denies that they acquired a right by prescription, because they were not *bonâ fide* possessors ; now on three grounds, as I have stated the present holders of church property in Ireland hold their title ; therefore according to the principles set down or supposed by the Pope, in the rescript before us, the present possessors of church property in Ireland hold it by a just title.”

Such was the evidence of this man upon his oath, such his Jesuitical evasion of this Papal rescript. Thus these bishops swore separately and collectively. Thus O'Connell swore—thus their professors swore—and yet what was the fact? That the moment they succeeded in gaining credit by their oaths, the moment they effected their purpose in gaining emancipation, that moment the bishops of Leinster set up the identical principle which they and their brethren had all been disclaiming on their oaths; as the Papal law for Ireland, by which the consciences of the people were to be directed by their priests, and this identical Bull was the Bull to which they referred, and which they cited as their authority for so doing.

The following is the extract from the supplemental volume to *Dens*, by which the intentions of the Popish rulers of Ireland as to Protestant property, is at once decided

“RESTITUTIO.

“*Bona immobilia ab hostibus in bello injusto capta, puta a piratis, infidelibus, hæreticis, &c. si emanant a fidelibus debent restitui proprio domino nullo exacto pretio ab eodem, quod olim decretum fuit a congregatione propagandæ fidei anno 1630. Quorum opinionem Ben XIV admittit in Epist ad P. Nicolaum Lercari Secretarium ejusdem congregationis. Bullar: tom. 3 n 57. Quod vero ad mobilia, eadem congregatio censuit restituenda esse ab emptoribus legitimo domino, exacto tamen ab illo eo pretio quo empta sunt; in hoc tamen judicium secum Ben XIV non profert ibidem.—Supplement to Dens, vol. VIII. p. 176. Ed. 1832.*

Translated thus—

Real property taken by an enemy, suppose pirates, infidels, heretics, &c. in an unjust war, if they should be bought by the faithful, ought to be restored to their rightful owner without any price being exacted from him, which was formerly decreed by the congregation for propagating the faith in the year 1630, whose opinion Benedict XIV admits in his Epistle to P. Nicolaus Lercari Secretary of the same congregation.—*Bullarium* vol. 3d. No. 57. But as to chattel property, the same congregation gave it as its opinion, that it was to be restored by the purchasers to its lawful owner; exacting however from him the price at which it was purchased. In this, however, Benedict XIV does not here pronounce his judgment.

Thus we see it an indisputable matter of fact, that these men make it a matter of conscience and religion with the Roman Catholic laity in directing their consciences in the confessional, that all forfeited property should be restored even though bought by them ; and thus, while they lay it on the consciences of Roman Catholics themselves to restore it, they fix an *a fortiori* principle into their minds that heretics are to restore it, and thus they make the subversion of the act of settlement, and the spoliation of all Protestant property an act not of politics, but of religion ; or in other words, they make in this, as in all other matters, religion the tool to act on the consciences of the people, to effect whatever object, not, as it is clear, of a spiritual, but of a temporal nature, the advancement of their own power, and that of their superior the Pope, and the College de Propaganda Fide prompts them to attempt.

The following is the Pope's Bull, by which the restitution of all the forfeited property is to be enforced by the Priest on the consciences of the people of Ireland.

#### BENEDICTUS PAPA XIV.

*Dilecte Fili, Salutem et Apostolicam Benedictionem.*

URBEM Antibarum, italicè *Antivari*, eo nomine appellatam, propterea quod in ora illius regionis, quæ nunc *Albania* dicitur, contra Barium Apuliæ civitatem constituta sit, jamjudum, ut nosti, Othomanicæ Dominationis jugum premit, ab anno scilicet 1571, ut testatur Reipublicæ Venetæ Senator Jacobus Diedo in nitida, quam nuper edidit, Historia ejusdem Reipublicæ tom. 2. lib. 7. pag. 261. Neque Venetis datum est, illius possessionem recuperare, magno licèt virtutis conatu, tum anno 1648, tum etiam anno 1717. in id incubuerint, ut idem Historicus prosequitur. De hac Urbe P. Daniel Farlatus tom 1. Illyrici Sacri, in Prolegomenis part. 2. cap. 5. § 3. pag. 150. ita scribit : “ Antibarium Urbs priscis ignota, quod sæculis posterioribus condita fuit, e regione Barii civitatis Apuliæ, a qua denominata est, quasi contra Barium ;” idemque Auctor subdit, Dioclea urbe in ruinis jacente Archiepiscopalem illius titulum translatum fuisse Antibarum ; & nomina Episcoporum suffraganeorum, qui novo Archiepiscopo assignati fuerunt, descripta legi in Bulla Alexandri Papæ II. ; Ut autem Sedes Archiepiscopalis in præfata



civitate collocaretur, occasionem desumptam fuisse ex infortunio, quod accidit quatuor Episcopis, Antibarensi, Cattarensi, Olchiniensi, & Suacensi, qui, dum Spalatrum petebant, ut Provinciali Concilio interessent, naufragio perierunt; ut videre est in laudatis Prolegomenis part. 3. sect. 2. § 5. pag. 308.

§ 2. Venerabilis Frater hodiernus Archiepiscopus Antibarensis, pastoralis zeli laude magnopere commendandus, quum Dioecesim suam visitasset, & acta Visitationis ad Congregationem de Propaganda Fide misisset, super duobus sequentibus capitibus opportunum sibi lumen ab eadem præberi, & adjumenta præstari postulavit. In primo capite exponit, Turcas Albania potitos, magnam partem bonorum ad Ecclesias pertinentium occupasse, quorum nonnulla deinde Christifidelibus divendita, alia vero eisdem ad colendum tradita fuerunt. In secundo autem refert, nonnullos ex Christianis, domos habentes proximas Ecclesiis eversis, & prædia prædiis Ecclesiarum contigua, areas & terras ad easdem Ecclesias olim pertinentes usurpasse. Quærit propterea quomodo in his se gerere debeat; & an hujusmodi malis remedium ullum, & quodnam sit adhibendum; declarans se lumine sibi præstito usurum, ut opportunis documentis instruat Confessarios, qui ea vehementer exoptant; quum aliqui sint ex hujusmodi possessoribus, qui nihil pensi habeant, alii verò propriæ conscientiæ stimulos cohibere cupiant, atque a censuris absolvi, quas contra detinentes Ecclesiarum bona statutas & latas esse non ignorant. Addit præterea Archiepiscopus, hoc idem, quod in præfata visitatione peragenda, in sua Dioecesi evenire comperit, in aliis quoque Albanæ Diocessibus contingere; ita ut, manibus magno operi admotus, tumultus atque discordias suscitatum irivalde pertimescat.

§ 3. Utroque capite hujusmodi in Congregatione de Propaganda Fide mature discussio, existimavit ipsa, debere Archiepiscopum, accitis ad se Missionariis, Parochis, & Confessariis, eisdem injungere, ut poenitentibus demonstrent, non posse eos sine propriæ conscientiæ damno detinere bona, quæ olim ad Ecclesias pertinentia, deinde a Turcis occupata, in eorum manus devenerunt, sive ea a Turcis ipsis emerint, sive tamquam derelicta sibi usurpaverint; ideoque necessarium omnino esse, ut aliquem legitimum titulum habeant, quo se in eorum bonorum possessione confovere possint; totamque difficultatem in novo hujus-

modi legitimo titulo adinveniendo versari. Quamobrem ipsa Congregatio proposuit, ut possessores Archiepiscopum adire debeant, eique distinctam exhibere indicationem quantitatis, qualitatisque bonorum, quæ ex antiquo Ecclesiarum censu ad eos ita pervenerunt. Ipsius autem Archiepiscopi æquitati & prudentiæ permittendum, ut & Ecclesiarum utilitati, quantum fas est, providere, & possessoribus novum legitimum titulum procurare studeat, eos admittendo ad novos contractus, puta, emphyteuticos, tenuissimis etiam canonibus impositis, juxta facultates, quæ a Nobis præfato Archiepiscopo concedi poterant. Concluserunt denique, hac facilitate dumtaxat erga illos agendum, qui invitati ad præmissa præstanda accesserint, contumacibus in propria perditione derelictis. Quum verò hæc omnia a te, Dilecte Fili, juxta tui ministerii debitum, Nobis diligenter relata fuerint, & pro opportuna facultatum concessione supplicatum; Nos verò ad rem accuratè inspiciendam & perpendendam, nonnihil temporis sumpserimus; nunc tandem decrevimus sententiam nostram hac super re, quæ magni momenti effectus parere potest, in scriptis redigere.

§ 4. Sanè a nemine in dubium revocatur, quidquid in bello justo capitur, quod ad hostem pertinebat, in victoris dominium transire; mobilia scilicet in illius potestatem, qui primus ea occupaverit, immobilia verò in dominium supremi Principis, qui bellum intulit, ut sibi pro ipsius belli expensis satisfaciat, aliquando etiam, ut majores ad defensionem vires sumat, ac se a futuris eventibus tueatur. Sylvius in 2. 2. quæst. 40. art. 1. quæsit. 6. conclus. 6. & conclus. 7. Covarruvias in 2. part. Relect. Regul. Possessor malæ fidei § 11. sub num. 6. Similiter extra controversiam est, in bello injusto, totum id, quod capitur, restituendum; quoniam occupatio hujusmodi nihil aliud sit, quam formalis rapina. Ita docet S. Thomas 2. 2. quæst. 66. art. 8. ad primum: en ejus verba: "Circa quædam distinguendum est: quia si illi, qui deprædantur hostes, habeant bellum justum, ea, quæ per violentiam in bello acquirunt, eorum efficiuntur; & hoc non habet rationem rapinæ; unde hæc ad restitutionem tenentur &c. Si verò illi, qui prædam accipiunt, habeant bellum injustum, rapinam committunt, & ad restitutionem tenentur. Illustria sunt exempla veterum Romanorum, qui quum injustitiam belli suscepti agnoverunt, quicquid abstulerant, promptè

restituerunt, ac detrimenta, quæcumque victis & debellatis populis præliando intulerant, summa fide repararunt. Hæc in Livii Historiis occurrunt; ac duo hujusmodi exempla a Valerio Maximo referuntur, alterum, quod pertinet ad Faliscos a Quinto Lutatio domitos, alterum ad Camarinos a Publio Claudio devictos, atque per varias Orbis plagas dispersos. "Cum Publius Claudius Camarinos ductu atque auspiciis suis captos animadvertibat; tamen quia parum liquida fide id gestum ab Imperatore videbatur; (Senatus) maxima cura conquisitos redemit, iisque habitandi gratia locum in Aventino assignavit, & prædia restituit &c. justitiæque promptissimo tenore effecit, ut exitio suo lætari possent, quia sic renati erant."

§ 5. Hinc patet, quum bellum, quo Turcæ Antibarum occuparunt, omni procul dubio fuerit injustum, quicquid ea occasione ab ipsis captum & occupatum fuit, sive mobile sive immobile fuerit, id eos injustè usurpasse, veramque in eo rapinam commisisse; quare omnis justitiæ ratio postularet, ut ab ipsis cuncta restituerentur Christifidelibus, quos fortunis suis injustè spoliarent, vel, illis vita functis, eorum hæredibus & successoribus. Sed hoc non est præsentis quæstionis subjectum; & si esset, frustra de eo ageretur, quod in perditis & desperatis rebus habendum est. Quæstionis cardo vertitur circa bona, quæ Turcæ Christianis vendiderunt, & nunc ab emptoribus detinentur; quæriturque utrum, qui ea emerint, quique emptorum hæredes aut legitimi successores sunt, tuta conscientia retinere illa possint, an verò eadem legitimis dominis restituere teneantur; idque eò magis, quòd agitur de bonis ad Ecclesias & Monasteria pertinentibus, quorum injusta detentio censurarum pœna mulctatur; quodque, quum Ecclesiastici, non secus ac Peregrini, in bellis, minimè sint partes Reipublicæ nocentis, efflagitat ipsa ratio, ut nec illorum, nec istorum personæ lædantur, neque bonis suis exturbentur, ut legitur in Decretali: Innovamus, de Treuga & Pace; ubi, necessitatis publicæ causa, hoc ipsum Privilegium ad mercatores etiam & agricolas extenditur, ut optimè ad citatum Textum perpendunt Repetentes. Quamquam autem id sæpe sæpius re ipsa non observetur: "Quos Canones rationabiles ac sanctos, quantum ad id, quod positivi juris pertinet, an abusus deleverit, nescio:" verba sunt Cardinalis Cæjetani in ejus Summa, verbo: Belli damna § 4. de damnis. illud tamen non

obstat, quominus prædictorum Canonum ratio habenda sit, quoties de animarum directione in foro conscientie agatur.

§ 6. De Peregrinis, Clericis, & Ecclesiis, ad sensum laudatæ Decretalis, loquitur Sylvius loco citato conclus. 5. "Spoliare peregrinos & hospites, qui sunt in urbe hostili, non licet, nisi constet de ipsorum culpa, quia non sunt pars Reipublicæ adversæ: neque etiam licet spoliare Ecclesias, Monasteria, vel Ecclesiasticos, etiamsi ex causa rationabili data sit civitas prædæ militum, quum neque ipsi verè sint pars populi hostilis."

§ 7. De extensione autem hujusmodi juris ad mercatores & agribolas, agit Laymann, in Commentariis ad eamden Decretalem, ubi, postquam illud statuit, quod Clerici & peregrini, membra non sunt Reipublicæ nocentis, ideoque in bellis etiam, quæ jure inferuntur, nec in persona, nec in rebus damnum pati aliquod debent, hæc addit: "Quædam verò personæ non sunt pars Reipublicæ nocentis, ut mercatores & agricolæ; & his parcendum est propter publicam necessitatem, ne commerciis & agricultura impeditis, majus incommodum afferatur."

§ 8. Deinque, quod licet Canonice leges in praxi negligantur, earum tamen ratio necessario habenda sit, ad animas conscientiasque tuto dirigendas, rectè sapienterque suo more disserit Covarruvias in 2. part. Relect. Regul. Possessor malæ fidei § 11. sub num. 8. § At hæc leges.

§ 9. Quæstionis statu sic constituto, ideoque ad intimam illius discussionem descendentes, necessarium ducimus in hac nostra Epistola inserere duo Decreta anni 1630. jam typis edita in Operibus Peyrini tom. 3. Privileg. in addit. cap. 4. num. 30. & 31. & Auctoribus cæteroquin, qui postea scripserunt, probè cognita, ut ex infra dicendis apparebit, licet fortasse accuratam totius rei notitiam non habuerint. Nam ea omnia tamquam Decreta Congregationis supremæ Inquisitionis, & quidem a Pontifice Urbano VIII. approbata & confirmata, ediderunt. Verumtamen constat, Dubia, super quibus Decreta emanarunt, a P. Francisco Longobardo Ordinis Minimorum Tuneti Missionario transmissa fuisse ad Congregationem de Propaganda Fide, quæ quum a suis Theologis diligenter ea examinari fecisset, consilium cœpit eadem ad Congregationem Sancti Officii remittere. Hæc autem insignium suorum Theologorum ope, quorum nomina in ipsius Tribu-

nalis Actis recensentur, in novum illa deduxit examen. Quindecim porro fuerunt Dubia a Patre Longobardo transmissa; atque ad ea omnia tum Theologi Congregationis de Propaganda Fide, tum Consultores supremæ Inquisitionis sua responsa ediderunt. Verùm ex iisdem Dubiis aliqua relata fuerunt in Congregationibus habitis coram Pontifice Urbano VIII., ad quæ Pontificium adhuc exstat responsum: Reliqua verò compertum minimè est, an coram Pontifice proposita fuerint. Inter hæc autem quintum illud & sextum numerantur, quæ nimirum præsentem respiciunt controversiam: ita tu error facti sit, id quod Auctores asserunt, responsa scilicet ad quintum & sextum Dubium Oraculo Pontificio confirmata fuisse; quum nihil aliud revera sint, quam responsa Theologorum Congregationis de Propaganda Fide, & Consultorum S. Officii, quæ tamen suo robore non carent, quum a doctis Viris, & Sacræ Theologiæ, Jurisque Canonici peritissimis emanaverint.

§ 10. Proposuit igitur Pater Franciscus Longobardus sequentem quæstionem ordine quintam: "Utrum Christiani liberi, qui hîc (id est Tuneti) negotiandi gratia commorantur, & alii captivi, ementes a Pyratibus bona a fidelibus rapta, & in hac Urbe venum exposita, vel dono ea recipientes, ut hîc ad proprios usus utantur, vel ad terras Christianorum lucri gratia transmittant, peccent mortaliter, & teneantur ad restitutionem."

§ 11. Responsio Theologorum de Propaganda Fide fuit sequens: "Patres deputati existimarunt, bona Christianorum a Pyratibus rapta, posse Fideles absque noxa mortali & onere restitutionis, emptione, venditione, aut alio quocumque legitimo titulo sibi accipere, ac in proprios usus convertere, non obstante, quod sint in bello injusto rapta."

§ 12. Sequitur sextus casus a Patre Longobardo propositus: "Utrum antedicti, præsertim Mercatores liberi, non solum peccent ratione rei malè acceptæ, sed injustæ acceptionis, tanquam rapientium receptatores, & consequenter, teneantur in solidum ad restitutionem, non solum mercium emptarum, sed omnium præterea damnorum Christianis illatorum. Ratio dubii est, quia, ut quidam asserunt, Pyratæ inter deprædandum, aliqua rapiunt spe vendendi dictis captivis vel liberis Christianis, quæ, hæc spe sublatâ, non raperent, ut Infidelibus non necessaria, neque utilia. Hoc autem non semper accidit in rebus

magni pretii, & ipsi Mercatores liberi principaliter hîc morantur, ut emant merces loci; & præterea eorum Incolatus multum videtur conferre ad miserorum captivorum redemptiones secretius, facilius, & vilius faciendas, præter quotidianas eleemosynas, quibus non solum sublevant necessitates captivorum, sed etiam suppeditant ex magna parte Oratoria, & Ministris Divini Cultus."

§ 13. Theologi de Propaganda Fide ita responderunt: "A Patribus deputatis concordî voto decisum est, fidelium neminem Tuneti commorantium teneri ad restitutionem bonorum raptorum per Pyratas Christianis, neque incurrere noxam peccati mortalis; etiamsi Pyratæ bona illa subripiant spe lucri ex futura venditione eisdem Fidelibus facienda, aliàs non furaturi: licet peccare possint ex complacentia super furto rerum per Pyratas Christianis sublatarum."

§ 14. A Theologis de Propaganda Fide, ad Consultores Sancti Officii translatum fuit Dubiorum examen; & hi quidem sententiam illorum approbaverunt & confirmarunt: Nonnulli tamen addiderunt, ad hoc ut emptores Christiani ab omni peccati nota immunes essent, necessarium fore, ut animum paratum haberent ad restitutionem emptarum rerum, si unquam verus earum Dominus compareret, easque redimere vellet, soluto pretio, quod emptor Turcis in emptione numeravit. "Aliqui tamen Qualificatores dixerunt, requiri animum restitutionis, accepto pretio dato, si dominus rerum occurrerit." Neque hoc ad pacandas conscientias inopportunum, aut a ratione alienum est. Molina in Opere de Justitia & Jure tom. 1. tract. 2. disput. 118. num. 15. ita scribit: "Ad pacandas tamen conscientias illud est addendum, quando verisimile est, illas," id est merces, quas Christiani homines a Turcis aut Saracenis emerint, qui eas per vim occupaverant, "deventuras nunquam esse in potestatem suorum dominorum, ut ordinariè eveniet, licitum esse eas emergere vili etiam pretio, eo animo, ut si proprius dominus comparuerit, illas accipiat pro eodem pretio, sin minus emptor illas sibi retineat. Quoniam verisimile est, eam esse præsumptam dominorum voluntatem; & quoniam quodammodo essent irrationabiliter invidi, nisi id ita vellent. Atque ita respondi aliquibus Christianis captivis, qui in Africa emerunt vili pretio a Mauris aliqua de spoliis Lusitanorum, quando Rex Sebastianus occubuit." Atque hæc sententia communis dici po-

test ; cui reliqui omnino suffragantur ; Coninch disput. 31. de bello dub. 7. num. 126. Reginald. tom. 2. lib. 21. cap. 8. sect. 4. num. 117. Decastillus lib. 2. tract. 1. disput. 10. num. 429. Tanner tom. 3. diput. 2. quæst. 6. num. 76. & 77. Fragos de regim. Christianæ Reip. tom. 3. part. 1. lib. 3. disput. 5. num. 16. Castro Palaus Oper. Moral. tom. 1. tract. 6. disput. 6. punct. 5. num. 27. Bonacina Oper. Moral. tom. 2. de restitutione in genere disput. 2. quæst. ult. punct. ult. § 3. num. 23. Diana in Edit. Coord. tom. 7. tract. 7. resolut. 33. num. 8. Eorum etiam aliqui, & præcipuè Molina & Castro Palaus, addunt, id locum habere in sacris rebus mobilibus, puta Calicibus, aliisque sacris suppellectilibus. De his enim fortius procedere censenda est superius indicata præsumptio ; quod scilicet Christifidelibus, ad quos hujusmodi res ablatae pertinent, molestum non sit, aut saltem esse non debeat, illas in dominio potius, aliorum Christianorum, quam Turcarum & Saracensorum existere.

§ 15. Hugo Grotius in suo Tractatu de Jure belli ac pacis lib. 2. cap. 10. § 9. num. 1. hanc statuit regulam : rem alienam bona fide emptam, restituendam, nec posse erogatum pretium repeti : ac immediatè sequentem addit exceptionem : “ Cui regulæ hæc addenda mihi videtur exceptio, nisi quatenus dominus rei suæ possessionem recipere sine impendio aliquo probabiliter non potuit, ut puta, si res apud Pyratas fuerit ; tunc enim deduci poterit, quantum dominus impensurus libenter fuerat. Ipsa enim facti possessio præsertim recuperatu difficilis, est aliquod æstimabile ; & in hoc dominus post rem amissam censetur factus locupletior.” “ Et in lib. 3. cap. 10. § 6. num. 1. postquam docuerat, quod qui detinet rem in bello injusto ab alio captam, eam restituere tenetur : “ qui damnum ipse non dedit, sed rem bello injusto captam ab alio penes se habet, tenetur eam reddere : quia cur alter eâ carere debeat, nulla causa subest naturaliter justa, non consensus ipsius, non malum meritum, non compensatio :” relatum paulo ante exceptionem resumit, & ita prosequitur num. 2. “ Poterit tamen, si quid sumptus aut operæ impendit is, qui rem tenet, deducere tantum, quantum domino valebat adipisci desperatam possessionem, secundum ea, quæ alibi explicata sunt. Quod si rei possessor culpæ exsors eam consumpserit aut eliminaverit, non tenebitur, nisi in quantum censi potest locupletior factus.” Jure Civili cautum

est, ut, qui alienum servum, ab hostibus priùs captum emerit, illius dominium acquirat, ea tamen lege, ut eum teneatur restituere antiquo domino, si hic pretium rependat, quod emptor, quamvis Mancipii conditionem non ignoraret, pro illius emptione, persolvit. Si autem hic eum alienum esse nescivit; statuitur, domino comparenti ac pretium offerenti restituendum, dummodo infra triennii spatium comparuerit; quo tempore elapso, antiquus dominus jure redimendi cadit: ut colligitur ex Lege In bello. § Si quis servum ff de captivis & postliminio reversis, alteri conjungenda L. Ab hostibus C. eodem tit. Hæc omnia comprobant, justum omnino esse id, quod Theologi S. Officii responsis Theologorum Congregationis de Propaganda Fide addiderunt; Eademque certiore stabilioremque reddunt sententiam illorum, qui docent, pretium restituendum esse illi, qui numerata pecunia, rem ab hostibus etiam in bello injusto captam sibi acquisivit. Quamquam enim Hugo Grotius, quod pertinet ad restitutionem pretii, cum aliis præallegatis auctoribus non consentiat; quum tamen a domino tantum emptori reficiendum velit, quantum ipse ad rei amissæ possessionem recuperandam æquo animo impendisset; si hujus æstimatio summæ a Forensi Calculatore rectè ineatur, magnum profectò erit, nisi ad eam pecuniæ quantitatem pertingat, quam emptor pro rei acquisitione persolvit.

§ 16. Quæ hactenus exposuimus, in rebus mobilibus tantummodo locum habent; ideoque tota disputationis difficultas nunc eò redacta est, ut videatur, an hæc eadem, quæ de mobilibus dicta sunt, immobilibus etiam rebus aptari possint; quandoquidem dubia, quæ nunc examinantur, quæque præsentis disquisitioni occasionem præbuerunt, mobilia bona non respiciunt, sed immobilia. Porro si aliqua differentia inter mobilia & immobilia intercederet, & ratio, quæ pro illis valida reputatur, pro his æquè afferri non posset; vel si aliqua adesset legum dispositio, quæ rerum immobilium dominis magis faveret; facile quisquam affirmare posset, quodd, licèt is, qui a Turcis res mobiles in bello captas mercatus fuerit, eas tuta conscientia detinere queat, modo animus ipsi sit ad restitutionem paratus, quotiescumque dominus comparuerit, & pecuniæ impensæ solutionem obtulerit; non idem tamen judicium de emptore immobilium ferre liceret.

§ 17. Diximus autem, ea, quæ superiùs exposita sunt,



locum sibi vindicare in solis mobilibus : Decreta enim anno 1630. edita, de mobilibus loquuntur ; de mobilibus item disserunt supra recensiti Auctores. Innuimus etiam dubitari posse, an aliqua differentia juris intersit inter mobilia & immobilia bona : atque hujus differentiae ratio a Nobis nunc exponenda est. Fundamentum, quo innititur ea sententia, quod Christifideles tuta conscientia retinere possint bona mobilia, quæ a Turcis emerunt, a Turcis autem in bello injusto aliis Christianis hominibus ablata fuerant, in præsumpta dominorum voluntate positum est, quæ scilicet aut consentit, aut non dissentit omnino, ut prædicta eorum bona mobilia ab aliis Christifidelibus acquirantur. Etenim ex mobilibus nullus fructus percipitur ; domini autem libentiore animo, aut minore certe molestia ferre debent, quòd illa in Christianorum potestatem deveniant, potiùs quam in domino Turcarum remaneant, a quibus faciliùs disperderentur ; ut rectè ponderat Molina loco laudato, atque etiam prosequitur Verjuys in suo Pastoralis Missionariorum tractat. 4. art. 13. de Hæreticis § “ Probatur etiam ratione.” Quoniam verò hæc ratio a præsumpta dominorum voluntate desumpta, ad immobilia, quæ Christifideles emunt, extendi nequit, tum quia domini fructus amittunt, tum quia hujusmodi bonorum dispersionis timor non adest ; hinc oritur indicata juris differentia, quæ inter mobilium ac immobilium acquisitionem intercedit. Denique paulò ante significavimus, aliquid forsitan reperiri posse legibus præscriptum, quod immobilibus, non item mobilibus faveat. Sane in L. “ Si quis bello ff. de re militari” sequentia verba legere est : “ Si quid in bello captum est, in præda est, non postliminio redit :” quibus verbis mobilia significantur, ut animadvertit Glossa. At verò in L. “ Si captivus,” eod. tit. leguntur hæc alia : “ Expulsis hostibus ex agris, quos cœperant, constitit, dominia eorum agrorum ad priores dominos redire, nec aut publicari, aut prædæ loco cedere :” quæ Doctoribus argumentum præbent asserendi, majori privilegio in bellis gaudere immobilia, quàm mobilia bona. Hæc enim postquam in militum manus devenerunt, licet deinde pax conficiatur, non ampliùs restituuntur ; illa verò antiquis dominis, pace inita, illico redduntur : ut recte animadvertunt Molina loco citato § 5. Covarruvias part. 2. Relect. Regul. Possessor malæ fidei § 11. num. 7. Diana in Edit. coord. tom. 7. tract. 7. resolut. 33. num. 3. Castro Palaus tom. 1. tract. 6. disput. 5. punct. 4. num. 24. Quibus sic stantibus, con-

clusum superiùs a Nobis est, facilè quempiam propugnare posse, ex rationibus adductis concedi quidem Christifidelibus, ut mobilia de Turcis empta, licèt ab his in bello injusto occupata fuerint, tuta conscientia detineant, dummodo ea restituere domino parati sint, qui pretio oblato redimere illa velit; at id de emptore immobilium non æquè affirmari posse. Id autem nunc, Auctorum scita atque rationes ad trutinam revocando, demonstrandum aggreddimur.

§ 18. Pater Leonardus Lessius obiit, antequam Decreta anni 1630. emanarent, scilicet anno 1623. In ejus Opere Theologico in S. Thomam, exhibentur resolutiones nonnullorum conscientiæ casuum; in quorum sexto, verbo "Beneficium," sequentem sibi proponit quæstionem, ordine secundam: "An Catholici emere possint ab Hæreticis bona Ecclesiastica?" atque ita respondet: "Non licet Catholicis emere bona Ecclesiarum vel Monasteriorum ab Hæreticis occupata, & confiscata, nisi cum animo restituendi ea suo tempore legitimis dominis, cum omnibus emolumentis & fructibus, qui inde obvenerunt: quia bona illa in specie sunt aliena, similiter fructus illorum;" Ex quibus sequitur, ut inferiùs ostendemus, emptorem ab Ecclesiis & Monasteriis nunquam repetere posse pretium bonorum hujusmodi a se persolutum. Quum autem obijciendum sibi prævideret, quod bona illa, nisi emissent Catholici, remansissent penes hæreticos, qui perciperent ex eis fructum; respondet "id minimè ad rem facere, quandoquidem hæretici quoque ad restitutionem obligarentur." Denique id Catholicis consilii præbet, ut cum bonorum dominis agentes, cum iis paciscantur, ac novos contractus ineant, quorum præsidio bonorum possessionem tuta conscientia retinere valeant.

§ 19. Post Decreta anni 1630. scripserunt sequentes Auctores, de illis expressam facientes mentionem. Verjuys loco citato a Lessii opinione recedit in eo, quod respicit restitutionem fructuum, sed cum eo sentit, quod ad fundi restitutionem pertinet, etiamsi dominus emptori solutum pretium non rependat; Rationem autem sic opinandi in præsupposita bona fide collocat, quæ si verè adsit, possessorem a fructuum quidem, minimè vero a fundi restitutione eximere potest. "Posse Catholicos bona fide possidentes Monasteria, domos, Templà, vel similia bona mobilia, illa tantisper sibi pacificè retinere, quamdiù a pro-

priis dominis occupari non possunt ; nec interea obligantur ad interessè, aut quidquam solvendum pro fructibus.” *Ars-dekinus* in sua *Theologia tripartita* tom. 2. p. 2. tract. 6. quæst. 10. quærit, “an Catholici possint emere bona aliorum Catholicorum, injusto bello ab Hæreticis occupata ;” ac respondet, id fieri posse, I. si dominorum voluntas in eo consentiat ; II. si Pontifex assensum præbeat, ad quod adstruendum affert citata *Decreta* anno 1630. edita. III. si conventionibus inter Catholicos & Hæreticos Principes initis cautum sit, ut Hæretici Catholicorum bona retinere possint, ac liberè de illis disponere : quæ omnia extra casum præsentis quæstionis versantur. Ibi autem religiosus Auctor procul dubio loquitur de bonis immobilibus ; inter ceteras enim sententiæ suæ rationes, utilitatem perpendit & commodum Catholicæ Fidei, cui magis prodesse asserit, quod bona penes Orthodoxos, quam in Hæreticorum manibus existant : “ & sanè plures ob causas, multo conducibilis videtur, bona illa tali emptione in manus Catholicorum devolvi, qui tanto potentius possunt negotium Fidei protegere ac propagare, quam si ea penes hæreticos perpetuo remanerent :” quæ quidem ratiocinatio immobilibus convenit, non item mobilibus. Verum rationes illæ ab Auctore indicatæ, & a Nobis paulo ante relatæ, nullius, aut levis admodum roboris sunt. Etenim dum bona immobilia ad Catholicos olim pertinentia, illisque in bello injusto ablata, Orthodoxi de Hæreticis emunt, præsumpta dominorum voluntas adesse non potest, ut supra dictum est ; *Decreta* verò anno 1630, edita, quæ de mobilibus loquuntur, ad immobilia trahi nequeunt ; Denique conventiones & concordata inter Catholicos Principes laicos & Heterodoxos inita super possessione ac detentione bonorum Ecclesiasticorum, ab Apostolica Sede improbantur ; ut prolixè probat *P. Schmalzgrueber consiliorum* tom. 2. consilio 15. quæst. 1. & hæ sunt conventiones, ad quas alludit citatus Auctor. De hac materia loquitur etiam *La Croix Presbyter Societatis Jesu* in sua *Theologia Morali* tom. 1. lib. 3. part. 2. num. 972., ac *Decreta* anni 1630. se probè nosse indicat : at quum nil aliud ipse faciat, quam ea referre, quæ a supra laudatis Auctoribus dicta fuerunt, in neutram partem allegari aut proferri potest.

§ 20. Pater Carolus Franciscus a Breno *Ord. Min. Strictioris Observantiæ* in suo *Manuali Missionariorum Orientalium* tom. 2. lib. 1. cap. 3. quæst. 21. hanc propo-

nitq̃ uæstionem : “ An bona Ecclesiastica ab Infidelibus redempta, restitui necessario debeant, vel saltem transactio adhiberi ? ” ac respondet, restituenda esse ; tum quia Christianus, sciens bona illa Ecclesiæ esse, alienam rem mala fide possideret ; tum quia non potuit Infidelis raptor in emptorem Christianum transferre jus majus illo, quod ipsemet in bona divendita habebat : Ideoque, si venditor, propter rapinæ vitium, nullum omnino jus habuit in rem violenter ablatam, occupatam, & postea divenditam ; nil pariter juris in eandem acquisivisse dicendus est, qui eam mercatus fuit : Tum denique, quia regula generalis est, quod etiam ille, qui furti ignarus, a fure aliquid emit, in foro conscientiæ ad restitutionem tenetur, simul ac verus legitimusque dominus occurrit. Invehit deinde in eos, qui quum ab Infidelibus aliquid ad Ecclesiam pertinens mercati sint, debiti sui partes implere se putant, si Parochos, ad quorum Ecclesias res emptæ pertinent, ad convivia & cœnas invitent. Non omittit Pater a Breno sæpe memorata Decreta anno 1630. condita commemorare ; sed ea pertinere censet tantummodo ad bona mobilia a piratis capta, ac inde Christianis divendita, quorum verus dominus sperari nequit ut ad ea redimenda compareat. Denique sibi objicit, quod qui numerata pecunia ab Infidelibus emit Ecclesiæ bona, rem eidem Ecclesiæ utilem gesserit ; ideoque non solum nullum exinde damnum pati, verum etiam aliquam, si fieri potest, utilitatem percipere debeat : Huic autem argumento respondet, emptores, qui rem ab Infidelibus redemerint, id emolumenti ex emptione capere, ut ab Ecclesia pretium repetant, aut ad aliquam cum ipsa compositionem deveniant : “ Ementes bona Ecclesiæ ab usurpatoribus Infidelibus, restituere quidem tenentur, quum sua bona illa non sint, sed accepto pretio, vel aliâ compositione cum Prælati habitâ.” Verum quum Auctor ad aliam ex prima consequentem quæstionem gradum faciat, videlicet utrum emptor restituere bona teneatur, etiamsi Præsul nec pretium reddere, nec compositionem ullam facere velit, & hujusmodi quæstioni affirmative respondeat ; videtur profecto id, quod antea affirmaverat, evertere, & non cohærenter ratiocinari : “ Si vero Prælatus quidquam ipsis redimentibus restituere nollet, aut transactionem, vel compositionem ullam facere, adhuc emptores, seu redimentes illi restituere omnino tenerentur, quum bona illa reipsa sint Ecclesiæ, ac infortunio suo tribuere,

quod emerint rem alienam, eo modo, quo discurremus de eumentibus a fure, quotiescumque ab ipso repetere pretium minime possint."

§ 21. Quibus sanè diximus Auctorem evertere id quod antea affirmaverat. Superiùs namque voluerat, emptorem a vero domino pretium recuperare : Nunc autem ipsius domini arbitrio permittens hujusmodi pretium reddere, aut non reddere, vult porro, rem ab emptore, etiam sine pretii recuperatione, restitui. Diximus etiam, eundem non cohærenter ratiocinari. Quum enim statuerit, immobilium dominium penes antiquum dominum semper remanere, nec unquam ad emptorem transiisse; ex hoc satis apertè consequitur, non quidem rei pretium solvendum esse a legitimo domino, qui eam recuperare intendit; sed potius rem ipsam, sine ulla solutione, aut pretii restitutione, ab eo recuperandam esse; aliter enim rem suam emere cogeretur. Quod si aliquis responderet, id ab æquitate & justitia alienum non esse, quoniam juxta Decreta anni 1630, idem omnino contingit in mobilibus, quæ sine solutione pretii a domino recuperari non possunt; respondetur dominium mobilium, quamvis resolubile, in emptorem transire, qui deinde illa domino pretium offerenti restituere tenetur; id autem minime accidere emptori immobilium, quorum dominium remanet semper apud legitimum dominum. Rerum porro dominium a priore domino ad alterum non transfertur, nisi id aut lex jubeat, aut hominis voluntas præscribat. Emptores autem tam rerum mobilium, quam immobilium, pro eo quod ad legem attinet, æquali prorsus jure censentur. Nulla enim lege præscriptum est, ut dominium rerum sive mobilium, sive immobilium a vero domino ad illum, qui eas ab invasoribus, ac raptoribus mercatus fuerit, transferatur. Sed differentia, quæ inter mobilium, ac immobilium emptorem intercedit, ab hominis voluntate oritur; quia nimirum domini voluntas, ut supra dictum est, illi, non autem isti, favere præsumitur.

§ 22. Itaque Decretis anni 1630, nullo modo contraire nobis videtur, si asseramus, satis fundatam esse opinionem illam, quæ immobilium domino jus tribuit, ut sine ulla pretii restitutione recuperare valeat bonâ suâ, cum omnibus fructibus inde perceptis, ab illo, qui numeratâ pecuniâ ea ipsa ab invasoribus emit. Id enim exigit natura belli injusti, in quo hujusmodi bona occupata fuerunt: Id expetit eorum Auctorum sententia, qui optima ratione docent, cum, qui furtivam rem se emere dubitat, aut suspicatur, non posse

deinde a domino repetere pretium, quod furi numeravit : “ Emptor malæ fidei si sibi emit rem, quam vel sciebat, vel dubitabat, seu suspicabatur esse furtivam, non potest a domino illius rei repetere pretium, quod numeravit furi venditori, quoniam talis repetitionis nullum habet justum titulum :” verba sunt Sylvii in 2. 2. S. Thomæ quæst. 62. quæsit. 6. art. 6. conclus. 3. pag. 361. ultimæ editionis Antuerpiæ : Id exigit opinio communis eorum, qui docent, etiam illum, qui rem furto sublatam, bona fide, vel ab ipso fure, vel ab alio, mercatus fuit, teneri eandem domino reddere, nec solutum pretium ab eo repetere posse ; ut videre est apud Sanchez in Summa lib. 2. cap. 23. num. 2. & apud Bonacinam tom. 2. de restitutione in genere, disput. 1. quæst. 2. punct. 1. proposit. 1. num. 4. Id ipsum deducitur ex regula, quam sequuntur majora Tribunalia ; quorum videlicet auctoritate decernitur, bona immobilia Ecclesiarum ab Hæreticis occupata, statim ac ab ipsorum manibus elapsa fuerint, ipso jure redire ad Ecclesias, ad quas pertinebant : uti videre est in Decisionibus Herbipolen. Monasterii 10. Junii 1707. & 17. ejusdem mensis coram bon. mem. Caffarellio, confirmatis in decis. 562. num. 1. tom. 5. coram bon. mem. Lancetta Decano. Ita præscribit famigeratus Textus Innocentii III. in cap. “ Sæpæ, de restitutione spoliatorum.” Quum enim Jus Civile beneficium interdicti “ Unde vi,” sive restitutionis, concessisset dumtaxat adversus illum, qui per vim alium de possessione dejecerat, & contra ejus hæredem universalem ; ut habent Lex. 1. §. ult. & Lex. 2. ff. “ Unde vi ;” minime vero contra illum, in cujus potestatem res furto ablata devenerat ; ut patet ex L. 7. ff. eod. tit. ; etiamsi ille, dum rem emit, furtivam eam esse non ignorasset : idque ea ratione, quod interdictum, “ Unde vi” directe propositum fuerat adversus eum, qui vim intulisset ; “ Unde tu illum vi dejecisti :” Magno illi Pontifici parum tuta visa est hæc Juris Civilis dispositio ; deoque decrevit, ut remedium Possessorii “ Unde vi” locum etiam haberet adversus illum, qui spoliū quidem non commiserat, sed rem, quam alienam ac furto sublatam esse non ignorabat, a spoliatore mercatus fuerat : “ non obstante Juris Civilis rigore, sancimus, ut si quis de cætero scienter rem talem acceperit : quum spoliatori quasi succedat in vitium, &c. contra possessorem hujusmodi, spoliato per restitutionis beneficium succurratur :” Atque sequentem Decreti sui attulit rationem : “ Eo quod non multum intersit,

quoad periculum animæ, injuste detinere aut invadere alienum." Hoc denique postulat Canonici Juris Adagium, quod est in Can Rapinam 14. quæst. 5. ubi sic legitur: "Rapinam emere non licet, nisi eâ intentione, ut, cui est ablata, reddatur."

§. 23. Si autem ea, quæ hactenus dicta sunt, locum habent in casu eorum, qui fundos ab injustis invasoribus occupatos emerunt: & hi quidem illos, nullo recepto pretio, restituere tenentur; quam excusatione tueri se poterunt alii illi, qui, ut refert Archiepiscopus Antibarensis, agros & fundos ad Ecclesias & Monasteria spectantes, ipsi furtim invaserunt, & per occasionem adjacentiæ aut vicinitatis usurparunt? Quomodo hi ab obligatione restitutionis, qua manifeste tenentur, se eximere poterunt? Leges Civiles usucapionem longi temporis in rebus furtivis, ob malæ fidei vitium, nequaquam admittunt. Cum autem inter antiquos Prudentes orta esset quæstio, an furtum in solis rebus mobilibus, an verò etiam in rebus immobilibus locum haberet; cumque eorum valuisset opinio, qui asserebant, furtum de mobilibus tantummodo intelligendum esse; uiterius deinde progressi, in eo convenerunt, ut si quis, absque vi licet mala fide, alicujus rei immobilis possessionem usurpasset, non ipse quidem posset hujusmodi rem usucapione suam facere, posset tamen alius, qui ab ipso rem illam bona fide accepisset: ut videre est in L. furtum 37. §. 1. ac in L. sequ. ff. de Usucap. atque in Institutionibus Justiniani eodem titulo. Sed neque hic substitit immoderata laxitas auctorum Juris Civilis, qui, ad inducendum usucapionis jus, satis habuerunt, bonam fidem initio adeptæ possessionis adfuisse; parum solliciti si mala fides deinde supervenisset; ut videre licet in L. 48. §. 1. ff. "de acquirendo rerum dominio," & in L. unic. C. de usucap. At Sacri Ecclesiæ Canones, nil aliud, quàm æquitatem, animarumque salutem respicientes, tot inutiles subtilitates sustulerunt, statuentes, nullam præscriptionem induci, nisi bona fides & initium possessionis, & medium, & finem comitetur: "Quoniam omne, quod non est ex fide, peccatum est;" synodali judicio definimus, ut nulla valeat absque bona fide præscriptio tam canonica, quàm civilis: quum generaliter sit omni constitutioni, atque consuetudini derogandum, quæ absque mortali peccato non potest observari. Unde oportet, ut qui præscribit, in nulla temporis parte rei habeat conscientiam alienæ:" Verba sunt Innocentii III. in cap. ult. de prescriptionibus

Hæc autem bona fides in nemine sanè eorum, de quibus nunc sermo est, admitti potest; quum incredibile sit, in toto assertæ usucapionis decursu, nullam eis suppetiisse notitiam, quod bona occupata ad Ecclesiam pertinuerint.

§. 24. Quod si prædicti possessores hoc saltem contenderent, se bona hujusmodi retinere posse, tamquam a dominis, nimirum ab Ecclesiis & Monasteriis, derelicta, quo casu bona fiunt occupantis, juxta §. penult. & ult. Institutionum de rerum divisione, & L. I. & sequ. ff. "pro derelicto;" in magno quidem errore versarentur. Etenim inter bona derelicta numerari non possunt illa, quæ dominus ob impotentiam non recuperat, ut accidit in casu nostro; sed illa dumtaxat quæ quis sponte deserit ac derelinquit, propterea quod eorum possessionem detinere nihili pendit: "Pro derelicto autem habetur, quod dominus ea mente abjecerit, ut id in numero rerum suarum esse nolit, ideoque statim dominus ejus esse desinit." Quocirca derelictæ nequaquam censentur res, quæ a domino navis, ut naufragium effugiat, in mare projiciuntur; & si quis illas lucri causa recuperat, furtum committit. "Alia sanè causa est earum rerum, quæ in tempestate, levandæ navis causa, ejiciuntur: hæ enim dominorum permanent; quia palàm est, eas non eo animo ejici, quod quis eas habere nolit, sed quò magis cum ipsa navi maris periculum effugiat. Qua de causa si quis eas fluctibus expulsas, vel etiam in ipso mari nactus, lucrandi animo abstulerit, furtum committit." Hæc omnia verba sunt Textus Civilis in citatis duobus ultimis paragraphis Tituli Institut. "de rerum divisione."

§. 25. En tibi, Dil. Fili, quicquid in unum congerere Nobis datum est; ut quæstionibus ab Archiepiscopo Antibarensi propositis responderemus; quod quidem in summa, sententiæ Congregationis de Propaganda Fide quam Nobis retulisti, consentaneum dici potest; verùm non ideo Nobis plane satis factum esse profitemur, Innuit in suis litteris Archiepiscopus, id quod Antibari accidit, in aliis quoque Albanie Civitatibus contingere, ubi complures sunt Christiani, qui bona immobilia Ecclesiarum aut empta de Turcis, aut de facto occupata possident. Ulterius itaque progreditur prudens ille Præsul; cumque magnopere cupiat aliquam sibi viam patefieri ad pacandas conscientias, illasque a censuris, quibus propter injustam Ecclesiasticarum possessionum detentionem adstrictæ sunt, absolvendas; nihilo minus æque vereri se ostendit, ne turbæ excitentur, si ho-



diernis possessoribus, ut justitiæ ratio postularet, injungeretur aut fundorum, aut fructuum, vel alicujus portionis eorum restitutio. Animadvertendum quoque est, Antibarum, aliasque Albanæ Civitates, de quibus nunc agitur, sub temporali Othomanica ditione consistere; unde minimum quod metuere possemus, aliqua exoriente perturbatione, id esset, ut prodiret decretum: "uti possidetis, ita possideatis," quod ad pacandas conscientias nihili valeret; nisi etiam deterius aliquid in Christianorum, Sanctæque nostræ Religionis perniciem contingeret. Hoc illud est, quod animum nostrum commovet, atque perturbat; nosque eo adducit, ut nisi nova, & certiora nobis suppeditentur indicia, ex quibus intelligamus, quid maxime in prædictis regionibus timeri posset, si huic negotio manus admoveantur, nihil nos statuere posse existimemus de instructionibus, aut facultatibus circa hæc Antibarensi Archiepiscopo communicandis. Quod nunc tibi significare possumus, & de quo tibi mandamus, ut ipsam Congregationem certiore facias, illud est, Nos ita animo esse comparatos, ut suprema qua fungimur auctoritate, pro Generalis bonorum Ecclesiasticorum Administratoris officio, hujusmodi bonorum possessoribus perceptus fructus condonemus, eosque ad retinendam possessionem fundorum, quamvis injuste occupatorum & detentorum, idoneos reddamus, & ab incursis censuris absolvamus; ne forte Christianæ Religionis eversionem intueri in illis regionibus, in quibus, licet sub Turcarum dominatione degentibus, eadem adhuc Deo miserante viget, neve Episcoporum ejectiones, aut innocuorum Christi fidelium persecutiones, & vexationes audire cogamur; nobisque tot mala imputari, propterea quod auctoritatem illam in his interponere neglexerimus, quam nobis Deus in ædificationem, & non in destructionem largitus est, quaque Prædecessores nostri similibus in casibus uti non dubitarunt.

§. 26. Quum tempore Mariæ Angliæ Reginae, bo. mem. Reginaldo Cardinali Polo gravissima demandata fuisset Provincia, Angliam ipsam Ecclesiæ Romanæ reconciliandi, Pontifex Julius III. in Brevis expedito die 8. Martii 1554. facultatem ei concessit, cum his qui Ecclesiasticorum bonorum possessionem injuste occupaverant, quique ad Ecclesiæ Romanæ sinum redirent, concordandi & transigendi super fructibus male perceptis, & super mobilibus consumptis: "restitutis prius, si tibi expedire videbitur, immobilibus per eos indebite detentis;" uti videre est in tom. 4

Conciliorum magnæ Britaniæ. At quia in rei executione fortasse compertum est, ejusmodi facultates nimis angustas esse, in alio Brevi expedito die 28. Junii ejusdem anni, præfato Cardinali plenam ac liberam largitus est potestatem “cum quibuscumque bonorum Ecclesiasticorum tam mobilium, quàm immobilium in præfato Regno possessoribus, seu detentoribus, pro quibus ipsa Serenissima Regina Maria intercesserit, de bonis per eos indebite detentis, arbitrio tuo, auctoritate nostra tractandi, concordandi, transigendi, componendi, & cum eis, ut præfata sine ullo scrupulo in posterum retinere possint, dispensandi, omnia & singula alia, quæ in his & circa ea quomodolibet necessaria & opportuna fuerint, consulendi & faciendi; salvo tamen in his, in quibus propter rerum magnitudinem & gravitatem hæc Sancta Sedes merito tibi videretur consulenda, nostro & præfatæ Sedis beneplacito & confirmatione.” Breve hoc editum est in citato tom. 4. pag. 102. & 103. & in Annalibus Raynaldi ad Annum Christi 1554. num. 8. Prædictus verò Cardinalis, “ne novæ inde turbæ concitarentur, Ordinibus postulantibus, & urgentibus, adactus est publico instrumento, Pontificis nomine & auctoritate, omnes de ejusmodi bonis & possessionibus, quoad pœnas & censuras canonicas, in perpetuum securos & absolutos declarare:” verba sunt Spondani ad eundem annum 1554. num. 4. Hisque consentiunt Sanderus de Schismate Anglicano lib. 2. pag. 349. edit. Rom. ann. 1586. Davanzatus in sua Historia Schismatis Anglicani edita Florentiæ anno 1628, pag. 91., qui omnes pariter conveniunt in celebranda præfati Cardinalis prudentia, qua difficillimum negotium, servata Ecclesiæ dignitate, transegit.

§. 27. P. Schmalzgrueber in suo citato concilio 15. tom. 2. casum perpendit hæretici Principis, qui Augustanam Confessionem deserens, Catholicam amplectitur Religionem; ac quærit, quomodo gerere se debeat quoad bona Ecclesiastica, quæ auctoritate pacis Westphaliæ ab Ecclesia reprobata possidet; & quidem ejusdem consilii quæsit. 2. num. 22. concludit, quod “vel restituere illa tenetur, vel ad ea retinenda Apostolicæ Sedis dispensationem sollicitare,” exemplum afferens Ducis Neuburgi Wolphangi Willhelmi, ac ejus filii Electoris Palatini Willhelmi; & asserens, quod erga conversos ad Fidem Catholicam, “adeo benigna esse solet Sedes Apostolica, ut etiamsi justa sit causa, retentionem illorum,” idest immobilium Ecclesiæ bonorum, ipsis dispensativè concedat.

§. 28. Denique Prædecessor noster Clemens Papa XI. ad Augustum II. Poloniæ Regem in Litteris datis die 10. Novembris anni 1712, in tom. 2. illius Brevium editorum pag. 243. ut cum ad promovendam Fidei Catholicæ propagationem in suis Saxonie ditionibus excitaret, ita scripsit : “ Certam reddimus Majestatem tuam, quod neque a te, neque a tuis Successoribus Catholicis, aut ab aliquo alio, qui sanctam ibi Religionem nostram amplexurus sit, Nos unquam illorum bonorum, quæ per Saxoniam antiquitus ad Ecclesias pertinebant, restitutionem postulaturi sumus : quinimo ad pacandas conscientias eorum, qui illa occupant, si hæresi ejurata ad Catholicam Fidem redire constituent, nos ipsis præfata bona omnia in perpetuum condonabimus ; idque ea ratione ac forma exequemur, ut ne a nostris quidem Successoribus in posterum quicquam adversus hæc postulari queat.” Atque hoc promissum adimplens Clemens XII. in sua Constitutione, quæ incipit “ Sedes Apostolica,” nu. 67. in tom. XIV. Bullarii Romani, Luxemburgi editi pag. 223. illis Saxonie incolis, qui bona ad Ecclesias antiquitus pertinentia possidentes, hæresim aut ejurassent, aut ejuraturi forent concessit. ut bona, quæ possidebant, retinere, ac de illis, tamquam de rebus suis, disponere liberè possent ; omnesque præterea fructus ex ipsis antea perceptos illis condonavit.

§. 29. Allata hæc exempla nostro sanè casui per omnia nequaquam similia esse cognoscimus ; ibi enim agebatur de impedimento removendo ab illis qui Sanctæ Romanæ Ecclesiæ gremium ingredi cupiebant, hic autem sermo est de hominibus, qui nostrarum partium sunt, quique Christiana & Catholica professione censentur. Veruntamen rationis fundamentum idem omnino in allatis exemplis, ac in nostra facti specie, Nobis esse videtur : ut scilicet suprema Apostolica auctoritas adhibenda sit in gravibus, publicis ac urgentibus casibus, quibus per ordinariæ auctoritatis usum satis provideri nequit. Eos verò, qui recedendi a Nobis tentatione sollicitari possent, a præcipiti casu, quantum fas est, remorari, si non idem est, ac viam sternere illis qui ad Nos accedere cupiunt, non multum sanè ab eo differre Nobis videtur. Hæc habebamus Tibi significanda : Tibique, dilecte Fili, Apostolicam Benedictionem impertimur.

Datum Romæ apud Sanctam Mariam Majorem die xix. Martii MDCCLII. Pontificatus Nostri Anno Duodecimo.

**THE PAPAL CANON**  
**SET UP BY**  
**THE ROMAN CATHOLIC BISHOPS**  
**FOR THE**  
**EXTERMINATION OF HERETICS OUT OF**  
**THEIR DIOCESES, A. D. 1832.**

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The next infallible canon which these Most Reverend, and Right Reverend Gentlemen have set up for their Priests "to direct the consciences of the people committed to their charge," is the justly celebrated **THIRD CANON OF THE FOURTH LATERAN COUNCIL**. As this law, in former days, was known to have been the watchword of persecution, and the herald of destruction to the Albigenses and Waldenses, as it had been transcribed in letters of blood upon the pages of European history; as St. Bartholemew and 1641 bore witness to its cruelty, it was natural that there should have been an anxious investigation on the part of the Protestants of the British Empire, as to whether this infallible canon was still in force in the world, or whether it had been repealed, or become a dead letter on the statute book of Papal intolerance. For this purpose the Bishops of the Church of Rome were subjected to several searching examinations; and the result of these examinations will be seen in the following documents.

The first are Extracts from the Examination of Dr. Crotty, now Romish Bishop of Cloyne, then President of the College of Maynooth, before the Commissioners of Education, October 20th, 1826. *Appendix to 8th Report of Commissioners, p. 82.*

“ You are aware of the objections which have been occasionally made to the principles of Roman Catholics, in consequence of the Acts of the Third and Fourth Councils of Lateran ? I am.”

By those Councils it was enacted to the effect, that sovereigns who protected the persons who maintained the heresies mentioned in those Councils should be deposed. Are the acts of those Councils by which those sovereigns were deposed, considered by you or by the Professors of Maynooth merely as laws applied to the particular circumstances of the moment, or are they considered as decrees of faith ?

Many writers, and amongst them some Protestant writers, such as Collier, deny altogether the authenticity of the canon that is generally supposed to have been made by the fourth Council of Lateran on this head : but supposing the canon to be genuine, Catholics hold that it is not to be attributed to the Council as merely an ecclesiastical assembly, but as one composed of the representatives of the different Catholic sovereigns of Europe at that time, and that the canon was a mere political enactment for the suppression of heresies, the leading doctrines of which were considered incompatible with the peace of those countries and with the rights of the sovereigns. Catholic divines, therefore, generally hold, that no point of doctrine was proposed by the said canon as a matter of faith, to be believed by the Catholics at large, but that it was a practical measure adopted by the concurrent approbation of Church and State, and intended to effect purposes connected with the peace and tranquility of both. Neither, therefore, the College of Maynooth, nor any Catholic divine, with whose works I am acquainted, ever considered it as a matter of belief, that Catholics are bound by the said canon to acknowledge in the Pope, or in a general council, the deposing power.”

*Examination continued, October 21st, 1826.*

The Fourth Council of Lateran is understood to have decreed this canon—

“ ‘ Si dominus temporalis requisitus et monitus ab Ecclesia, terram suam purgare neglexerit ab hæretica fæditate, per metropolitanos et cæteros provinciales Episcopos vinculo excommunicationis innodetur ; et si satisfacere contempserit infra annum, significetur hoc S. Pontifici, ut

extunc ipse Vassallos ab ejus fidelitate denunciaret absolutos, et terram exponat Catholicis occupandam, qui eam hæreticis exterminatis, (id est ex vi vocis *expulsis*) sine ulla contradictione possideant salvo jure Domini principalis; dummodo super hoc ipse nullum præstat obstaculum eadem nihilominus lege servatâ circa eos qui non habent dominos principales:—Do you consider that canon to be a canon of universal and permanent force in the Roman Catholic Church?

“I do not: that was the canon to which I alluded in my answer to the last question proposed to me yesterday; and I considered it to express the practical means which a council, as I said before, composed, both of the temporal and ecclesiastical authorities thought it necessary to adopt for the suppression of a sect whose tenets and practice were not only anti-Catholic, but anti-Christian, and ruinous to the countries in which they appeared, and not as a declaration of the church proposing to us an article of its belief. I beg leave to add that the church, as far as I have been able to ascertain, never at any period considered it in this latter point of view, that is, as composing an article of faith. No such tenet has ever been introduced into any profession of Catholic faith.

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“When the Council of Lateran sat for the purpose of making decrees with respect to articles of faith, is it understood that the temporal powers were represented in the Council?

“The temporal powers were even then represented in the Council, but in the Catholic Church they never interfere when there is a question of faith, unless through those divines whom the different powers send to the Council, and who have the right of speaking, and explaining, but not of voting, when there is a decision of faith to be given. This is exclusively the right of the Bishops.

“Supposing that part of the canon which has been alluded to in your former answer to have been, as has been expressed merely ‘*accommodata temporibus atque negotiis*,’ did it not, however, express a principle then adopted by the Roman Catholic Church?

“When a Council or any other body adopt a certain proceeding, we may presume they conceive they have a right to do so. In this sense, it may be said, that the

words mentioned express by implication a principle which seemed to be practically adopted by the persons then sitting in the Council, but not one that they proposed to the Catholic Church to be believed in the manner in which the decrees of Councils regarding faith are, or should be proposed.

"Was not the Roman Catholic Church represented fully in that Council?

"Certainly.

"Did not that Council adopt that principle,—at least; for that time?

"In practice it did.

"Did it not acknowledge the principle of its practice?

"Merely acknowledging a principle by acting on it, is not sufficient to make it an article of Catholic faith. It must be proposed by the Council to the church, dispersed as an article of faith, and necessary to be believed by all Catholic Christians.

"The present question is, whether the principle was not admitted and adopted by that Council for some purposes?

"In practice it would seem to have been the case, but all Catholics contend, that such an inference drawn from the acts of a Council does not imply such a decision on matters of faith, as leads Catholics to hold the principle which might appear to be thus deducible from the conduct of the Council.

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"May canons of the Roman Catholic Church, which do not regard faith or morals, but which impose punishment for particular offences, become by desuetude of no force, in like manner, as if they were expressly repealed?

"Certainly—like all other human laws, they may go into desuetude when a series of occasions has occurred for putting them in execution, on which they were not enforced. *The canon of the Council of Lateran, so often alluded to, could have no force but from the recognition of it by the states of Europe, their sanction having long since been withdrawn; the canon is at present a dead letter.*

"You have been asked, whether any Pope had ever given up the power of absolving subjects from their oath of allegiance. Is there, according to your knowledge, any Catholic state of Europe, on this side the Alps,

which has not made laws distinctly against that power?

"I believe there is none, as it is a general practice, as far as my knowledge goes, in Catholic states, to prohibit the publication of any rescript from the Pope; and in some countries, though these rescripts should contain nothing appertaining to faith, until the temporal power shall have first been satisfied that there is nothing in such rescripts derogatory to the rights of the sovereign. Such is the practice, as I have been informed, in France and Spain, and I know it to be the case in Portugal by my own experience."

Dr. Crotty was likewise examined as to the 27th Canon of the 3rd Lateran Council, on which he gave similar answers, of which the value will be seen in the sequel; but he adds a deliberate and well-digested note to his *vivâ voce* examination, which it is desirable to quote here. See Appendix to 8th Report of Commissioners of Education, p. 87.

"To sum up the substance of my answers to the foregoing questions, and to prevent their being misunderstood, I request that what follows may be added.

"I acknowledge, that in the Councils of Lateran and Constance, laws were enacted, inflicting severe temporal punishments on the persons who, at the periods of those Councils, were labouring to subvert the Catholic faith in different parts of Europe.

"It is manifest, likewise, that by those laws it was ordained, that temporal lords who favoured or connived at the introduction of heresy among their vassals or dependents, should be excommunicated: and, if before the expiration of a year they did not give a satisfactory account of their conduct, that they should moreover forfeit the allegiance and fidelity of their said vassals. I consider it probable, too, that these measures may have been suggested by the ecclesiastical portion of the Councils, and recommended by them for the adoption of the sovereigns or temporal princes, who assisted personally, or were represented by their proxies at those Councils. But I see nothing in the acts of those Councils from which I can infer, that the Bishops composing them thought themselves, and much less that they meant to oblige me, as a Catholic, to believe, that they possessed, as Ecclesiastics, a right to inflict temporal punishments on persons re-



nouncing the faith of the Catholic Church. The princes of Europe sanctioned the laws thus proposed to them by their approbation, and acted on them, in many instances, without any further reference to the Pope."

Dr. Crotty here deliberately admits these positions.

1st, "That these Councils in their canons enacted temporal punishments against heretics.

2ndly, "That they excommunicated the temporal sovereigns who favoured or connived at the introduction of heresy among their vassals.

3rdly, "That they absolved those vassals from their allegiance to those sovereigns when they did not repent.

4thly, "That these principles of persecution originated with the Bishops and other Ecclesiastics in the Council for the adoption of the temporal powers."

But he denies,

5thly, "That these Ecclesiastics meant, that they had a right, as such, to inflict temporal punishments."

Now, if it shall hereafter appear that the Popish Bishops have set up this canon as the present law for Ireland, it follows on Dr. Crotty's own evidence, that they have set up as law these principles, which in the four first points he admits.

And if it can be further shown that these Bishops have set up this canon as an authority for themselves, as Ecclesiastics, to exterminate heretics out of their dioceses, then, the fact itself demonstrates that they hold the principle, which in the fifth place he affects to deny.

The facts will determine the case: and here, for the present, we leave Dr. Crotty.

The next evidence to be adduced, is that of Dr. Doyle before the Parliamentary Committee; and, as the testimony of this Bishop, compared with his subsequent conduct, is of vast importance in throwing light on the true character of the Papacy—the attention of the reader is most particularly requested to it.

Extract from the Examination of Dr. Doyle before the Committee of the House of Lords, April 21st, 1825. Report, p. p. 502—3.

"Was the Fourth Council of Lateran a general Council?

"It is accounted amongst the general Councils.

"By the Third Canon of that general Council, the

doctrine of extermination of heretics is declared, is it not ?

“ Very far from it. The Fourth Council of Lateran, as well as I recollect, was held under Innocent the 3d, and the canon which is called the 3rd, and *which seems to hold the doctrine which is now mentioned, is not found in the acts of that council at all* ; and is supposed by most historians to have been attached to them : this is supposed, amongst others, by the very excellent historian, Collier. Those acts were not mentioned or that declaration, to which allusion has been made, was not mentioned *as a part of the Council, by any writer, for nearly 300 years after the Council itself was held* ; and there are several historians, as well as Collyer, who think that the declaration, of which mention has been made, never did form any part of the Council : this is an observation which I felt anxious to make, before I would mention further, that the declaration now alluded to, is not proposed by the Council, in any way, as an article of faith to be believed by the Church. The heresies which then prevailed, and which went to overturn all sound doctrine, were condemned in, I believe, the very first canon, and this, which is now mentioned, was a kind of vote of the Council, that is said to have been adopted afterwards by the Bishops and by the powers of Europe, which were then assembled in a kind of congress ; for in that Council, as Mathew Paris and various other historians tell us, (but him I name as he is one connected with this country, and of very high authority,) there were assembled two Emperors, the one of the east, and the other of the west, the King of France, the King of Arragon, the King of England, the King of Hungary, the King, I think, of Bohemia ; those I recollect, and I believe there were others. The heresies that were broached at that time were such as went to upturn the foundations of society ; for they introduced Manicheism, they went to favour unnatural crimes, and to forbid marriage as damnable. The princes, therefore, in union with the church, and most of the Bishops, of whom 420, I believe, assisted, (and they were at that time barons, and held baronies as well as the others who were present,) they all thought it necessary to extirpate this abomination from Europe ; and therefore they passed that vote, *as is supposed by some in the Council, by others after the Council*

*had been closed*; so that, admitting that the decree to which your Lordship has alluded, formed part of the Council, *which I believe it did not*, yet it was not an act of that assembly in its religious or ecclesiastical capacity, but it was an act of the assembly as constituting really and substantially a congress of all the powers then existing in Europe, or, I might say, in the Christian world. But your Lordships will, I hope, particularly observe, that the decree, to which reference is made, is not proposed to any Catholic as a point of faith to be believed, which is the only way for such a matter to be proposed, so as to render it binding on our conscience; but that which has been mentioned is a vote of the Council adopted by those sovereigns, and by those Bishops, for the purpose of doing away a great nuisance from the bosom of the Christian world."

Having seen Dr. Doyle's evidence on this canon of the Council, we now proceed to Dr. Murray's, and the striking sympathy between these bishops in their testimony shews that their part had been well studied on the case.

Minutes of Evidence before Select Committee on State of Ireland. May 17th, 1825, p. 591.

DR. MURRAY examined—

"Is the authority of the Third Canon of the Fourth Lateran Council acknowledged by the Catholic Church?"

"The Third Canon of the Fourth Lateran Council has no authority whatever in any part of Christendom; it never had any authority in those countries; and it was made for a particular purpose, which has long since ceased. I should premise that it is exceedingly doubtful whether or not that cannon was ever enacted in the Council of Lateran: for no ancient manuscript records it; but allowing it to have been enacted, it was done by the civil authorities of Christendom who were there assembled, either by themselves or by their representatives. There were present, at the council, either personally or by their ambassadors the two Emperors of the east and the west, the Kings of France, and of England, Arragon, Hungary, Jerusalem, (at that time a kingdom,) and Cyprus, and many other inferior potentates. This law was enacted to repress the errors of the Albigenses, which for some time before had been productive of extreme mischief in the south of France, particularly in Languedoc, and which, if not sup-

pressed, threatened the very existence of society itself. Their errors aimed at the extirpation of the human race; and of course society, for its own protection, thought it necessary to have recourse to the strongest possible measures, in order to stop the mischief before it could spread. On that account this decree was made, either after the council, or as some say, in the council itself, but under the sanction of the civil authorities, the temporal magistrates of Christendom who were there assembled; and it is not to be considered so much the act of the Church as of the States general of Christendom. Even the Bishops at that time were, for the greater part, barons, and had temporal dominions themselves. At this general congress, as it may be termed, an agreement was entered into to declare war against the Albigenses, and against those who protected them, particularly the Counts of Toulouse and Foix, and some others; and it was decreed, that those who would oppose this coalition should forfeit their temporalities to the lords in fee or the other members of the coalition. But that council never issued a decree on the subject, addressed to all Christians, to be received as a decree of faith. This was merely a regulation which regarded temporal matters, and was at no time considered binding by any persons, beyond the limits of the jurisdiction of the civil powers there assembled. It is a decree that had so little authority, that though the same system was adopted in this country, at the time when the statute *De Hæretico Comburendo* was unfortunately enacted, there was no reference whatever made to the authority of the Lateran decrees, a proof that it was considered a matter in which this country was not concerned.

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Page 593.

“Upon what authority do you suppose that the Third Canon of the Fourth Council of Lateran is not authentic?”

“It is mentioned by some historians (and particularly Collier is referred to) as spurious, and as not having been contained in any ancient manuscript.

“Does not Collier rather state, that there is controverted authority upon that?”

“I have not myself had an opportunity of consulting Collier; I merely speak from reference made to him.

"Have you consulted the earlier writers in respect to the existence of this Third Canon of the Fourth Council of Lateran?"

"I think that quite immaterial; I rest upon its being a canon issuing from a competent civil authority.

"Is there any distinction between the authority on which that canon rests, and upon which the other canons of the council rest?"

"Very great distinction; the first canon proscribes the error itself, and is addressed to all Christians, as an article of faith; the other is merely a regulation. We are not bound by any act of this council, except a declaration of faith.

"What is the mode of distinguishing which canons are declarations of faith; and therefore binding, and which are not?"

"They are generally distinguished by the terms in which they are announced. In the Council of Trent they are drawn into particular canons; and it is said, 'If any one do not receive this, let him be anathema,' or some expression of that kind.

"Is that sentence appended to any of the canons of the Council of Lateran?"

"I do not think it is; but there is a declaration amounting to the same thing."

Here concludes Dr. Murray's testimony on this subject.

We next proceed to Dr. Doyle's careful and well-digested commentary on this evidence of Dr. Murray on this canon, and also his remarks on the evidence of the Archbishop of Dublin, Dr. Magee. We find it in his "Essay on the Catholic Claims," addressed to Lord Liverpool, 1826; and each progressive advance in the principles of these men will tend to throw increasing light on the facts, which shall follow—

Extract from Dr. Doyle's Essay on the Catholic Claims, page 93. On the evidence of Dr. Murray and his own on the Fourth Lateran Council.

"However during the last session, when all manner of things were inquired into by the Committees of Parliament, and even those decrees incidentally touched on, it might be expected that the evidence then given respecting them, especially by the Catholic Archbishop of Dublin,

before the Commons on the 17th of May, would have removed all anxiety which people felt, or affected to feel, touching their operation ; but no, they are still presented to us clothed with all the deformity which religious persecution can attach to them, and serve as the chief argument to justify the charge of our paying to the Government a divided allegiance. The origin, nature, qualities, and object of the decree of Lateran, have been so satisfactorily explained by Archbishop Murray in the evidence referred to, that I should not obtrude any remarks relative to it upon your Lordship, did I not find it holding a prominent place in the evidence of Archbishop Magee, as delivered before the Lords' committee on the 11th May. In reply to a question, whether there are tenets of the Church of Rome which, in his opinion, rendered a Roman Catholic unfit for holding any situation of trust or power in a Protestant state ?" His Grace answers : " I think there are, provided the recorded system of the Catholic faith be referred to." And being asked, " What is that system of recorded faith to which you refer ?" he replies, " I hold in my hand the Third Canon of the Fourth Lateran Council." And after a laboured essay in proof of its authenticity, he relates the substance of the canon, and concludes (p. 745) by saying, " that it gives a power of extermination of heretics, and asserts the power of absolving subjects from their allegiance. " In reply to a question, (p. 746) whether this tenet is asserted in any other, and what authority, ancient or modern ?" he replies : " I think the reference to the Council of Lateran in the Council of Trent, makes the decrees of that council binding down to the Council of Trent, and consequently still binding." As it happened, however, that there was no special reference made in the Council of Trent to the Council of Lateran, more than to the Gospels, to the writings of Chrysostom, or Augustine, or to the Councils of Orange or of Florence, or to any other, some of whose doctrines or decrees might have been there quoted, or referred to, or confirmed ; and, above all, there was no mention made at Trent of the decree in question, the noble lord who took the trouble of interrogating the most reverend prelate, afforded to him, by a new question, an opportunity of escaping from this inconvenience in which a want of information on these subjects would

otherwise seem to have involved his Grace. It is therefore asked, "Does the creed of the Council of Trent include that canon as well as all others? (I need not observe to your Lordship, that there is no such creed as the creed of the Council of Trent.)" But his Grace replies: "Certainly, I conceive so. If I were declaring my creed as a Roman Catholic, if I understand it," (and oh! how sincerely do I wish that his Grace did so understand it before he took upon himself the responsibility of giving evidence relating to it,) "I must necessarily understand the creed of Pope Pius to include the canons of that council with this and every other." The creed here referred to is a profession of the Catholic faith, published by Pius IV., and has the following clause to which, doubtless, his Grace refers: why he confounds it with the Council of Trent, his Grace best knows. But the clause stands thus: "I likewise undoubtedly receive and profess all other things delivered, defined, and declared by the sacred canons and general councils, and particularly by the Council of Trent." By such reasoning does the Archbishop prove, that the extermination of heretics, and the absolving subjects from their allegiance, is a tenet of our recorded system of faith. "My Lord, it is extremely difficult to reason with a man profoundly ignorant of the subject in debate, and it is still more difficult to convince a man whose judgment is shrouded in passion. It is not for such persons I write, but for your Lordship, who can weigh arguments dispassionately. And first of all, permit me to state to your Lordship what is to be understood by 'things delivered, defined, and declared,' by the sacred canons or general councils. These terms regard such matters only as are the objects of our faith, and which are delivered, defined, and declared, to all Catholics as such."

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Dr. Doyle then proceeds, digressing through one of the long Jesuitical statements which they are all trained to make when occasion suits their purpose as to councils, with which we have at present no concern; and then, after this long tirade, he returns to the point in question, page 110, and makes this remarkable statement on the 3rd Canon of the 4th Lateran Council. How remarkable, how terrible, the sequel will disclose.

“Moreover, from what I have said at the commencement of this chapter, from the definition of ecclesiastical law, as given from Gratian, it is quite clear that the law of Lateran, which by no means included a definition of faith, if it ever had force in these countries, (and it is nearly certain that it had not,) has ceased, not by the failure of one or two essential conditions, but by the failure of them all ; not by one mode whereby a law ceases, but by almost every mode in which a law is annulled. Such a law in the present age, (for we will not judge others, lest we ourselves might be judged,) would be immoral, unjust, impossible ; it would be opposed to the natural dispositions of the people of this empire—it would be contrary to all the laws, usages, and customs of our country—it would not be suited to the time and circumstances in which we live. In place of being necessary or useful, it would upturn the very foundations of society, and, instead of benefitting the entire community, it would drench our streets and our fields in blood. It has not one condition of those many, without combining all which, it could not, even if it were a law of our Church, continue to be so. It ceased as to its particular end or object when the Albigenses were subdued ; it ceased universally when the remote end for which it was enacted, namely, the support of the feudal system, and the maintenance of uniformity in religious faith became impossible ; and yet this is that decree of Lateran upon which we are charged with a divided allegiance, and indirectly with perjury and disaffection.”

Let the reader bear this memorable statement, this cool, well-digested, laboured, dispassionate statement of Doctor Doyle, as to the canon of this Council, in mind, and carry on the remembrance for a few pages further of this publication.

The last exhibition of the evidence of these two Romish Bishops, Dr. Doyle and Dr. Murray, shall be their conjoint evidence on the subject when examined together before the Commissioners of Education. We have seen how well they had learned their lessons separately—we shall now see how they tried to build up their system together.

Extracts from the joint-examination of Dr. Murray, Dr. Kelly, and Dr. Doyle, before the Commissioners of Education, April 14th, 1825.—See Appendix to First Report, p. 795 to 797.

In the fourth Lateran Council, and the third Canon,



there is this passage, "That the Roman Catholics who, under the banner of the cross, shall set about the extermination of heretics, shall enjoy a full remission of their sins as much as those who go to the Holy Land, will you have the goodness to offer any observations that may occur to your respecting that passage? (Dr. Doyle.)

"As well as I recollect, the Albigenes are alluded to in that Council—they were people who revived the horrible crimes of the Manicheans, and indulged in gross vices against nature. The powers of Europe assembled in order to suppress this nuisance, and they enacted, conjointly with the Church, the most severe laws to be enforced against them. The Pope grants in addition, what we call a Plenary indulgence, to persons who would engage in this war against the Albigenes, and the remission of their sins in the same manner as the people going to the crusade could obtain it, and which is to be understood thus—'the remission of the temporal punishments due to their sins, they might have commuted in as ample a manner as the Church can grant it,' for, though the Church in its Bulls uses the phrase, remission of sin, it is like the invocation we were just speaking of, and is to be understood in the manner the language of that time was understood, and conformably to similar modes of language used in the sacred Scriptures. When I was asked, for instance, before the Commons, something about the phrase in the Bull of Indiction of the Jubilee, in which there is an expression like to that now mentioned, I answered what I will beg to repeat now—'That in the Scriptures the name of sin is often given to that which is not sin, but which is an offering for sin, or in some way connected with it.' So it is said by St. Paul, 'That he who had no sin was made sin for us;' and again, it is said in one of the books of the Old Testament—'they shall eat (speaking of the Priests) the sins of my people.' This phraseology, then, is taken from the Scripture and brought into the Bulls which have been issued, and is to be understood in a sense analogous to that in which it is used in the Scriptures, and that this is the right interpretation of it, is deduced from this—that in all our catechisms which explain the principles of our faith throughout the universal Church, and in all our prayer books, wherever there is mention of an indulgence of any kind, in any shape whatever, it is stated to be a remission

of the temporal punishment due to sin, and not of the sin itself; and that one of the conditions, and a necessary one for gaining any indulgence whatever, is, that the person be contrite for any offence he may have committed against God, and if possible approach to the Sacrament of penance.

"You consider the word heretic in the passage just read to you, as exclusively confined to the Albigenses?

"I believe it referred to the Albigenses.

"You conceive the Council had no reference to future times?

"Certainly, it is an universal rule with the Church that it never speculates, it always treats of the matter before it, and never goes beyond it. That mode of proceeding is singularly exemplified in the Council of Nice, the Council of Constantinople, the Council of Ephesus, and the Council of Chalcedon, each of which confined itself to a decision upon the simple point of faith which was brought under its consideration at the time.

"Is the passage first read to you from the fourth Lateran Council a matter of faith or a matter of discipline?

"I can scarcely call it one or the other—it appears to be a matter of policy mixed with faith. I do not know what the heresies were, or what the nature of the decree or vote was to which allusion is made.

"You understand the Council as defining an article of faith, and therefore as a Council of Faith when it propounds an article of faith to the Church at large?

"Yes, and that in that it is infallible, and in that only."

The Commissioners observe in the Fourth Lateran Council, Canon the Third, the following passages, and which they are informed is repeated by the Council of Constance:—"If any temporal or other princes, being required and admonished, shall have neglected to clear his country from heretical pollution, he shall be excommunicated by the metropolitan and provincial Bishops; and if he shall have refused to make satisfaction within a year, his conduct shall be signified to the Roman Pontiff. That his land should be absolved from all obedience to him—his lands should be seized by the Catholics, who, after exterminating the heretics, shall possess it without any dispute." Does that appear to you to recognize the power of a transfer of pro-

perty in consequence of contumacy, and also the sanction of the extermination of heretics? (Doctor Murray.)

“That is to be explained exactly in the same way as Dr. Doyle has already mentioned; that was a decree of what may be called an assembly of the states general of Christendom, held at Lateran, to consider the means of saving various estates from the effects of that dreadful moral contagion which was spreading in the twelfth century, when heresies were broached, which taught marriage to be a crime, and other doctrines to be advanced which were calculated to upturn the very foundations of society itself.—The powers of Europe, assembled together with the Church, agreed as to the necessity of using strong measures to put a stop to this evil, and ordained that any person who would not obey this decree of the assembled powers should be considered as a criminal, and be subject to the punishment that was there assigned for his crime, by this general depository of, as well the civil as the ecclesiastical authority of Christendom.

“Does not that passage go further than pronouncing the punishment of heretics—does it not suppose the case of a prince guilty, merely of the crime of abstaining from clearing his country from heretical pollution?

“From his not uniting with the other powers to protect his country from the contagion which was spreading, they considered him of course as an enemy, as from those estates in which the contagion was allowed, it would spread to the rest.

“Is it to be understood that that particular decision of the Council flowed from the inspiration of the Holy Spirit or not?

“That is not one of the cases in which we say the Council is infallible—it is only infallible where it propounds to the Church a matter of faith; but in such a matter as that, it is as liable to err as any other society, and even in any reasoning on which its decisions are founded it may go astray; it is merely where it proposes to the Church an article of faith that we conceive the Council cannot teach an error.

“Do you conceive any one of the three decrees or Canons of Councils referred to as having any binding nature or effect at present?

“Not in the least, they applied to particular cases which

have passed away, and they have not the least validity at present.

“Have they ever been repealed, rescinded, denied, or in any manner condemned?”

“They were repealed by the fact, that they are no longer in existence: they regarded a particular case and passed away when that case ceased.

“Are the Commissioners to understand that those once pronounced have been renounced, or only in abeyance, in consequence of no opportunity calling for their exercise?”

“The principles they were supposed to imply not being entertained, the imputation of them has of course been renounced.—(Dr. Doyle) They could not be in abeyance, whereas they emanated from a congress of European powers, which consisted of the Emperors and feudal Lords; the whole feudal system has passed away, as well as the Albigenes, and hence their laws cannot be in abeyance. When the end of a law ceases, it is, moreover, a universal maxim among jurists, that the law itself ceases; as to these laws, therefore, being in abeyance, that cannot be. They are not the laws of the Church, of which there is a question, but the laws of the universal states of Europe, as well as of the Pope and Bishops with them, which should also be recollected.

“You conceive those are in no case to be taken as the rules of the Church at present?”

“Certainly, no more than the Pandects of Justinian—they never were the laws of the Church as a distinct body at any period.

“You do not consider those canons as canons of general faith and general principles for the guidance and observance of the Church, but as rules established by particular assemblies for particular purposes?”

“Precisely so.

“Those assemblies representing temporal as well as spiritual authorities?”

“Just so.

“Is it your opinion that those decrees, historically speaking, were never considered as laws in the Church subsequent to the particular occasion of the Albigenes to which they alluded?”

“I consider them no more than precedents which might be followed if governments existed such as then did, and

circumstances arose precisely similar to those which occasioned their enactment.

"You are deliberately of opinion that no such general principles have existence in the Roman Catholic Church?"

"I consider them principles that existed in the Roman Catholic Church, or rather in the states professing the Roman Catholic religion—but the spirit of them has died away with the state of society which gave rise to them.

"Do you conceive it ever was the principle of the Roman Catholic Church that the Pope might, *jure divino*, absolve subjects from their allegiance? Certainly not.

"Do you conceive it ever was the principle of the Roman Catholic Church that faith might be broken with heretics, because they were heretics?" Certainly not.

"Do you not conceive that those principles, the deposing power, breach of faith with heretics, and the doctrine that it is right to injure men because they differ from you in religion, are principles now universally condemned by the Roman Catholic Church?"

*"Universally condemned by the Roman Catholic Church, and we feel humiliated when they are imputed to us by any one, for no person of knowledge could impute them to us."*

"Should you not consider that a man acted sinfully who broke his faith with a Protestant?"

*"Just as much as if he broke it with myself."*

"Should you not conceive it to be his duty to resist any potentate who came to invade his country, though he came with a bull of the Pope assigning the kingdom to that potentate?"

"I should feel myself equally obliged to oppose the person bringing a bull as if he came without it, and I should feel bound to oppose him with all my might."

We have only now again to refer to the confederated oath of all these Bishops, in which they unanimously swear that they "not only do not believe, but they declare upon oath, that they detest, as un-Christian and impious, the belief that it is lawful to murder or destroy any person or persons whatever, for, or under the pretence of their being heretics, and also the principle, that no faith is to be kept with heretics."

They "renounce, reject, and abjure the opinion, that Princes excommunicated, by the See of Rome, or by any authority whatever, may be deposed and murdered by their

subjects, or by any person whatever ; and they do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State, or Potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm."

They further "solemnly, in the presence of God, profess, testify, and declare, that they make this declaration, and every part thereof, in the plain and ordinary sense of the words of their oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever, and without thinking that they are or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any person or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void, from the beginning." And they add, that "after this full and explicit declaration, they are utterly at a loss to conceive on what possible ground they could be justly charged with bearing towards their most gracious Sovereign only a divided allegiance."

Such was another section of the awful oath sworn by all the Romish Bishops, in 1826, whose names are given, page 28, of whom the greater part are alive at this day ;—and now we shall proceed to review and examine all the oaths and evidence of these men.

First—with reference to the facts existing at the time—that they took these oaths, and gave this evidence, and of which they were cognizant at the time they were swearing.

Secondly—with reference to their subsequent conduct—as connected with the very canon of the Fourth Lateran Council, about which they swore.

First, then, it will be observed, that Dr. Doyle and Dr. Murray, gave on their oaths, as an apology for the enactment of the canon of the Lateran Council, that the Albigenses and Waldenses, against whom it was enacted, taught marriage to be a crime—that they were guilty of unnatural crimes, and taught principles calculated to upturn the very foundations of society. Now, these are deliberate and gratuitous falsehoods. The crimes of these poor men were the crimes of all those, both of that day, and of every day from that to the present, who boldly denounce the impostures and iniquities of the Church of Rome ; they were calcu-

lated indeed to subvert the foundations of the authority of the "MYSTERY OF INIQUITY," the "MOTHER OF HARLOTS AND ABOMINATIONS OF THE EARTH," as God himself designates that apostacy, to expose the hypocrisy and impostures of Popish Bishops, Priests, and Friars. These were their crimes—weighty crimes no doubt in the eyes of those whom they denounced; but as to the charges made on oath against them by Dr. Murray and Dr. Doyle, they are the mere ordinary imputations of all Priests and Jesuits against those who oppose their principles, and whose character they endeavour to traduce, because they cannot answer their arguments. Similar accusations were made against Wickliff, Huss, Jerome of Prague, Luther, Calvin, and all who, like them, have faithfully exhibited the real character of the Church of Rome. It would be a waste of time and paper to disprove from the facts of history the statements of these Romish Bishops—perhaps their truth will be more easily tested when we come to examine the veracity of those who have given them.

We shall proceed then to consider the great principles on which they depended for exonerating the religion of Popery from the charge of being the parent of this cruelly intolerant and seditious canon, and we shall find that their main argument, which was evidently one preconcerted, and ready in their mouths for the purpose, was this—that it was a canon emanating, not from the spiritual but from the temporal authorities present at the Council, and that, therefore, as proceeding chiefly from the secular power, for secular purposes, namely—to put down the pretended insurrectionary movements of the Albigenses, it could not be fairly charged on the religious and persecuting spirit of the Papacy. This was Dr. Crotty's pretence—this was Dr. Murray's pretence—this was Dr. Doyle's pretence.

Now, if we imagine that this was their real opinion, and that they swore what they believed to be true, as the Committees of Parliament and the Commissioners of Education no doubt gave them credit for, as men on their oaths, then it certainly were unjust, as far as this part of the evidence is concerned, to venture to impeach its authenticity; but if we can prove, on the contrary, that they were swearing a deliberate untruth—that the secret principles of their Church, which they knew and hold, as of the highest authority, were in flat contradiction to every word they

swore—if we can demonstrate, that the moment they gained political power, the very standard authority, which these identical men themselves set up as the Papal law, whereby the Priests were to guide the consciences of the people, proved there was not one syllable of truth in their evidence, and that they actually condemn the very idea of lay powers, even kings not having as much as a voice or a vote in a General Council; then the public will know what weight is to be attached to the oaths of Dr. Murray, Dr. Doyle, and Dr. Crotty. What then is the doctrine laid down as the authority of their Pope in that book, which these very men have set up as the Papal law for Ireland, briefed in that volume, which they have added to Dens's Theology, Benedict XIV. on the Diocesan Synod?

*Lib. III. Cap. 9. : Edit. Rome, 1806—De Laicis.*

“It is a matter most clear, which none will ever deny, that Princes, and especially Roman Emperors, have either themselves, or by their Ambassadors, been present in General Councils. There is no one who is ignorant that Constantine the Great was present at the first Council of Nice, Marcion at that of Chalcedon, Philip King of the Franks at that of Vienne, and the Emperor Sigismund at that of Constance—not to mention many other Kings and Princes who have sent their orators to Œcumenical Synods, and specially to that, last of all, of Trent. They were not, however, present in the Council as Judges, so as to give their opinion about dogmas of faith or of Ecclesiastical matters, for “it were a crime,” said Theodosius the Younger, in his Epistle to the Synod of Ephesus, “that he who is not enrolled in the catalogue of the most holy Bishops, should interfere in Ecclesiastical matters and consultations”—1 Col. Harduini, Col. 1346; but that they might provide for the security of the Fathers, restrain the tumultuous, and cherish and protect by their authority, those things which might be defined and decreed, as the Cardinal Petrus de Alliaco admirably wrote in his chapter on the reformation of the Church—Tit de Reformatione Laicorum et Principum, saying:—

“On account of the foregoing, it is expedient that Kings and Princes should be sent to General Councils, not to burthen and confuse, but to honor and comfort the Church, and to follow out, as far as in them lies, the things which are decreed there;” which also Bellamine has noted, Lib.



I. de Concil. C. 15. and Thomassinus de Conciliis dissertat: 3 to 10. Nor does it cause any difficulty, that in the acts of the Council of Chalcedon, Anatolius, the Commander of the Soldiers, Palladius, the Præfect of the Prætorum, Tatianus, the Præfect of the City, and other noble laymen who accompanied the Emperor, and were present, as it were his humble attendants at the Council are called *most Glorious Judges*, for they are called so, not because they had any privilege of judging in the Council, but because they were so called in general without the Council as an honor to them (*honoris causa*;) for, as Du Cangius well observes, the name of Judge and Earl (or companion *comes*) is often promiscuously used, because, from the number of Earls who continually protected the side of the Emperor or King, and accompanied him, Judges were chosen who were sent to govern the provinces.

II. But, although on account of the alleged reasons, it was most especially befitting that Princes should honor Œcumenical Councils, either by their own presence, or that of their ambassadors, nothing, nevertheless, is detracted from the authority of Councils, if they should withdraw both themselves and their ambassadors from them. Whence Duvallius, part. 3. quæst. 7. justly and deservedly repels the audacity of Vigorius, who was not afraid to write that the Council of Trent was not lawful, because the ambassadors of the King of France had retired from it—thus refuting him:—

“But that the Ambassadors of his most Christian Majesty, seceded from the Council because deserved honor was not paid to them, does not in the least favour the object of Vigorius, for as their presence did not give any greater authority to the decrees of faith, since the right of decreeing as to the faith and morals of the Church, pertains only to the Prelates and not to the Princes, and much less to their representatives and ambassadors, so also their absence does not at all detract anything from the force of the same decrees; for the ambassadors, when present in a Council, ought to learn, not to teach—to hear, not to speak—to observe the decrees, not to frame them—*dicere debent, non docere, audire non loqui, decreta servare et non condere.*”

Now, here is the very highest authority in the Church of Rome—the Pope laying down the opinions of the

**Church ex-Cathedra.** The bishops, yea these very bishops who swore this oath, receiving it and setting it up as the standard law for their priests in their own provincial Synod, and yet having the audacity to concoct a tissue of evidence in flat contradiction to their real principles, and to give upon their oaths, to blind the Protestants of this empire, and to try and protect their Church from the charge of enacting this atrocious canon, the pretence that the presence of secular powers in the Council, made that Council "a sort of temporal Congress;" while in their own documents, by which they assert and maintain their ecclesiastical authority, and the authority of their Councils they hold that the secular powers have not the weight of a feather in a single decree, or in any enactment connected with either the faith or conduct of their Church. So much for their evidence on this point.

The second argument on which these bishops affected to rely to save their Church from the imputation of this infamous canon, is an attempt to impeach its authenticity. Their argument is—first, that if it even were authentic, it was an act of the assembled authorities of Europe, and not of the Church of Rome. Secondly, that the strong presumption is, that it is not authentic. Benedict the XIV. has given, as we have seen, an infallible answer to the first of these positions, and, I think, we shall have one quite as satisfactory, on little less authority to the second.

Dr. Doyle endeavours to impeach the statement of the Archbishop of Dublin, in his evidence before the Lords Committee on the subject. But while both Dr. Doyle and Dr. Murray affect to appeal to Collier, the historian, and to Mathew Paris to disprove the authenticity of this Canon, I think it shall be made to appear, not only that the evidence of the Archbishop of Dublin was correct, but that while Dr. Murray gave evidence contrary to it before the Commons, while Dr. Doyle endeavoured avowedly to overthrow his evidence in his letter to Lord Liverpool, and dared to say that his Grace the Archbishop, "was profoundly ignorant of the subject in debate." It shall appear, I say, that neither Dr. Doyle nor Dr. Murray were so ignorant, but were perfectly aware that there was not one syllable of truth in what they wrote or said, or swore upon the subject. I assert so for this reason, among

others which shall appear, that while they were giving the evidence they gave on oath, and in writing, as Dr. Doyle wrote in his Essay, there was not one standard authority at that moment in use in their Church, from their highest Canonists to the Catechisms, which they were directing to be used in their Chapel Schools, that did not prove the existence of this very Canon which they were pretending to deny. Delahogue, indeed, pretended to throw a doubt on it in his Class Book, and for the same reason that Dr. Murray and Dr. Doyle did, because it was important to try and blind Protestants on the subject.

Dr. Doyle quotes in his Essay, p. 121, Mathew Paris, whose authority he mentions also in his evidence, to try and throw a doubt on this Canon. He says, quoting him, "After the Council was opened in the usual forms, and a discourse delivered by the Pope, sixty Canons or Chapters were read in full sitting, but which seemed to many (*onerosa*) not acceptable, and then they proceeded to what related to the Holy Land."

Now, in the first place, in this passage he cuts off ten whole Canons from the statement of Mathew Paris, for he does not say *sixty*, as Dr. Doyle asserts, but *seventy*. For one of the very highest authorities, as a Canonist, in the Church of Rome, and one of the standards of Maynooth, Van Espen, quoting the identical passage gives it thus:—

"Matthæus Parisiensis de hac Synodo loquens ad annum, 1215, ait. '*Facto prius ab ipso Papa exhortationis sermone, recitata sunt in pleno concilio Capitula 70. quæ aliis placabilia aliis videbantur onerosa.*'"

Dr. Doyle omits "*placabilia*," gratifying to some. But what conclusion does Van Espen deduce from this? Does he say it throws a doubt on the authenticity of this Canon? His very words are—"These undoubtedly (*indubie*) are the chapters which are extant dispersed through the decretals of Gregory IX., under the name of "*Innocent III. in the general Council of Lateran*," and which are *every where wont to be ascribed to this Council*, and these same were extant in an ancient collection of decretals, with some other decretal letters of Innocent III. himself, arranged under various titles, which Antonius Augustinus published under the name of the "*Fourth Collection of Decretals*." Van Espen proceeds, furthermore, from the "*aforecited words of Mathew Paris*, it appears *that these chapters were*

*recited in full Cotuncil*, an exhortation having been first delivered by the Pope. Whereupon when it is said, that they were recited in full Council, an exhortation having been first delivered by the Pope, &c. We collect from this, that many of them at least having been before composed (*confecta*) by the Pope himself, or by his order, were simply recited in the Council already assembled."

"Hence, it happens, that they are related under the name of '*Innocent III. in the General Council of Lateran*,' and that they were compiled in an old collection of decretals into one volume, along with other decretals of Innocent III."

I must here interrupt Van Espen, to remark on the absurdity and inconsistency of Dr. Doyle's statement on this head. He tries again to shift the blame and weight of the Canon on the Pope, so as not to let it appear an act of a general Council; for, he says, under colour of the statement which Van Espen here gives in the very same page of his Essay, 121.

"The truth is, that the acts of this Council, or at least a portion of them, were ascribed rather to Pope Innocent than to the Council itself. Platina ascribes them to him; so does Rigordus. His nephew, Gregory IX., does so, while he inserts them in his book of decretals."

True. Then, if this be as he says the truth, that this Canon, on which the argument is, is to be ascribed to the Pope, then all his own assertions, and Dr. Crotty's, and Dr. Murray's statements and evidence ascribing this Canon to the secular powers present at the Council, on his own showing, is just one tissue of concocted falsehood; for, if it be true, as it is, that it came from the Pope, it must be false that it came from the secular powers. But when he tries this artifice to shift it off the Council, by ascribing it to the Pope, it is completely

*"Incidit in Scyllam qui vult vitare Charybdim."*

For, surely Canons must originate from some one in a General Council; they must be proposed by a Bishop, or an Archbishop, or a Primate, or a Patriarch, or the Pope, or by a committee of some of them. Now, who is the highest authority from whom they can emanate? Certainly from the Pope, and if the Pope proposes them in Council, and they are recited in Council, and pass in Council, then this is the very acme of Papal infallible

authority. It is a decree of the Pope in Council, emanating from the Pope himself, unless Dr. Doyle could have demonstrated that though the Pope proposed, the Council rejected it. This is the very conclusion that Van Espen, quoting Panormitanus, comes to on the case, in the very next sentence to that which has been quoted. He says,

“To this Panormitanus seems long since to have alluded in his Commentary, cap. 1, de Pactis, remarking, that a law published in a Council, is in the name of *the Council itself*, and not of *the Pope with the approbation of the Council*. Whence, I think, (he says) that when the matter of a law begins from the Pope, although the Council approves, nevertheless the law is to be published in the name of the Pope, from whom it hath derived its vigour and its origin. For the Pope without the Council can enact a law; or if the matter of the law originates from the Council, then the law is to be published in the name of the Council, for the Pope is present in the Council as the head. Moreover, a constitution of the whole Church is of greater force than of the Pope alone.”—Van Espen, tom. viii. p. 362. Ed. Nap. 1766.

Here is the very point which Dr. Doyle pretended to advance as militating against the force of the Canon, but it is set forth, and justly set forth by Van Espen, as giving the fullest weight to it that Papal authority can bestow. Nor is Dr. Doyle one jot more true, or more felicitous in his assertion in evidence before the Lords' Committee, that this Canon “was not mentioned as a part of the Council by any writer for nearly three hundred years after the Council itself was held;” and in his letter to Lord Liverpool, p. 120, that John Cochläus “was the first and only person who, in 1537, discovered this Canon, and sent it to John Rincus, of Cologne.” I can only say of both statements, that they are utterly destitute of truth; for, in the first place, as to Cochläus, Van Espen in the passage directly following that which has been quoted, states, because the Pope propounded this Canon in the Council, that therefore “it may have happened, that the former collectors of Councils did not exhibit these chapters with the Council, till John Cochläus, in the year 1537, transmitted them to John Rincus, of Cologne,” which is very different from Dr. Doyle's statement, which infers that it was lost

till Cochläeus discovered it. But I am utterly astonished at the audacity of Dr. Doyle and Dr. Murray on this point, when in their own Corpus Juris Canonici, the public standard Canon law of their Church, Gregory the IX. in his decretals, publishes this Canon whole and entire, as being enacted by Innocent III., in the 4th Lateran Council, thereby affixing it to the Council and the Pope. The heading of the Canon is—

*“ Idem in Concilio Generali,”*

and the margin tells the person, the Council, and the Canon, thus—*“ Idem scil. Innocent III. in Concilio generali Lateran, c. 3.”* Nay, what says the gloss on the very first clause of the Canon? *“ In primâ parte hujus capituli excommunicat CONCILIMUM omnes hæreticos,”* &c., and on the section *“ Credentes”* the gloss is—*“ In S. isto excommunicat CONCILIMUM receptatores, defensores et fautores hæreticorum.”*

Here the gloss states, and truly states, that the Canon is the act of the Council itself; and how any man on earth, who knew anything of the subject, and who had any regard for either his word or his oath, could take upon him to say, much less to swear, that because it was proposed by the Pope in Council, it was therefore the act of the Pope, and not of the Council, is more than I will now attempt to account for.

But when we consider that this very Book of Decretals was arranged and published fifteen years after the Council was held—namely, in the year 1230. When we have the Pope, Gregory IX., stating in the collection of his public decretals, that one of them—namely, this Canon, which he gives word for word, was enacted by the Pope, his uncle, fifteen years before, in the greatest General Council ever held in the Church of Rome. When this is published, as the law of the Church, almost at the very day when it was enacted—when the most of those who had been at the Council were still alive and remembered the fact, and that this law then enacted, and thus recorded, should be still preserved and maintained as their Canon law, by these identical men at this day, and that they should attempt on their oath, to impeach its authenticity, and attempt to say, and swear that “it was not mentioned by any writer, as a part of the Council, for nearly three hundred years after the Council itself was held;” that such evidence should

be really given, would be almost incredible, if it were not actually to be seen, lodged in the records of the British Parliament.

As to Dr. Doyle's attempt to invalidate the Archbishop of Dublin's statement, respecting the mutilation of the Mazarine copy of this Council. It is only necessary to state, that Van Espen not only corroborates the Archbishop's testimony, but actually quotes from Cossart the very passage which his Grace quoted to establish his evidence. Nay, Van Espen adds more, if more could be necessary, to put the matter out of all doubt. He says—

“The very sight of this (the Mazarine Codex) could easily convince those who attempt to derogate from the authenticity of these Lateran decrees; but the Greek interpretation, completed at the same time, will demonstrate the concord of both Churches; forasmuch as the Patriarchs of Constantinople and Jerusalem were present at the Council; those of Alexandria and Antioch had sent their legates, the Metropolitans from those Patriarchates, and many Bishops were assembled, who, that they might bring back the decrees of the Council with them, had them translated into the Greek language, although inelegantly—nay, in many places barbarously.”—Van Espen, tom. viii., p. 363.

Thus, in fact, we have Popes, Canonists, Patriarchs, Metropolitans, and Bishops of both the Eastern and Western Churches, all bearing witness to this Canon; we have this evidence recorded too, in the body of their own Canon law, and the most authoritative standards of their own Colleges, while these men were attempting, on their oaths, to get rid of every tittle of this testimony, to blind the Protestants of this Empire as to its authenticity and its existence. But this is not all. The Canon itself is quoted and referred to, directly as the very standard law of intolerance and persecution in every one of their standard authorities on the subject. If it were not to swell these pages, far beyond their intent and object, I could multiply quotations of this Canon from their books of authority. But it is only necessary to meet the direct testimony of those Bishops, by a direct negative, and by proof of the falsehood of their evidence, at the time it was given, before we proceed to expose their subsequent criminality.

The reader is now requested to return to pages 68 and 69, and to mark the contemptuous tone of insolent reproof with which Dr. Doyle affects to treat the evidence of the Archbishop of Dublin, asserting that "he confounded the creed of Pope Pius with the Council of Trent"—that "he was profoundly ignorant of the subject in debate"—that "he was a man whose judgment was shrouded in passion," and that "there was no special reference made in the Council of Trent to the Council of Lateran more than to the Gospels," &c., and "above all, that there was no mention made at Trent of the decree in question."

Now, in reply to this impertinent and daring denial of the Archbishop's evidence, what is the fact? It is this—

First—Let me observe that it was not the Archbishop who "confounded the Creed of Pope Pius with the Council of Trent;" if it had been a confounding, it was the noble lord who asked the question.

Secondly—This very creed of Pope Pius is declared by the Bull "*Injunctum Nobis*," in which it is contained to have been composed by the Pope, in reference to the decree of the Council of Trent, Sess. xxiv. c. 12, in which it is commanded, that all persons provided with benefices, canonries, or any ecclesiastical dignities, shall make a public profession of faith, and promise, and swear to remain in obedience to the Church of Rome. Now, Dr. Doyle knew this perfectly well; for in the provincial Synod, with his Archbishop, Dr. Murray, and his brother suffragans, this very decree of the Council is quoted, as the authority for making all their Priests, who have benefices, swear their profession of faith—(See *Statutes of Dublin*, Ed. Coyne, 1831, p. 58, and Ed. Seeley, London, 1837, p. 27)—which accordingly is prescribed to them as their oath. So that Dr. Doyle knew as well as the Archbishop of Dublin, what relation there was between the Council and the Creed. But this is a small part of the fact, for Dr. Doyle pretending to quote the clause of the Creed, according to the usual truth and honesty of Popish Bishops and Priests, suppresses the half of it. He says, (see page 69)—the clause stands thus—"I likewise, undoubtedly receive, and profess all other things delivered, defined, and declared by the Sacred Canons and General Councils, and particularly by the Holy Council of Trent." He quotes this, but he



suppresses the rest of the clause, viz.: "and at the same time all things contrary thereto, and all heresies whatsoever condemned, rejected, and anathematised by the Church I likewise, condemn, reject, and anathematize." This Dr. Doyle conveniently omits; and where is this sentence which he so omits taken from? It is taken from the Session xxv. cap. ii., to which, as I shall have occasion to quote it hereafter, I only now refer, and the Canon law quoted from the decretals of Gregory in the margin of the Council, for the detestation and cursing of these heresies is, "*Cap. excommunicamus, 13 de hæret.*" that is, the very identical third Canon of the Fourth Lateran Council, on which he had the effrontery to give such evidence, and to write such a statement as, that "there was no special reference made in the Council of Trent to the Council of Lateran," and "above all, no mention made at Trent of the decree in question." Whether the reference were made by the authority of the Council, or by Canonists, who edited the Council, I cannot determine; but it shall appear to be a matter of very little consequence to which it is to be attributed in reference to the truth of the evidence, and the subsequent guilt of Dr. Doyle and Dr. Murray. But what further will be thought, when it appears that at the very time they were swearing these oaths to disprove the authenticity and existence of this Canon, and which Dr. Crotty, the then President of Maynooth, was echoing their oaths in swearing the same things before the Commissioners of Education, this identical Canon was quoted in the very class book of Canon law, which by Dr. Crotty's own return to these Commissioners it appeared, that the Dunboyne class, or senior students of Maynooth, were obliged to purchase, at their own expence, viz., Cabasutius on Canon Law. And not only is this Canon quoted there, but the twenty-seventh Canon of the Third Council of Lateran, another statute of blood, which they likewise endeavoured to swear out of existence, and not only this, but the Bulla Cœnæ Domini, which they also denied on their oaths, as we have seen, so that if there were but this one single passage in their class book of Canon Law, it convicts them three-fold of the falsehood of their evidence. The passage is as follows :—

"Similiter Bulla Cœnæ excommunicatione Papæ reservatâ falsarios literarum Apostolicarum punit, sed ubi

reservatio illa non est admissa remanet tamen, adversus tales excommunicatio non reservata, quam decernit, ipso facto incurri. Cap. '*Ad falsarium*' de crim. falsi.

Hæreticos quoque eorumque fautores et receptatores jus antiquum excommunicat ipso facto, sine reservatione ad summum Pontificem. Cap. '*Sicut Ait*' (that is, the twenty-seventh third Lateran Council)—and Cap. '*Excommunicamus de hæreticis*'—(that is, the third Canon of the fourth Lateran Council)—and Cap. '*Novit*' de sent. excommunicationis. Hujus excommunicationis absolutionem postmodum Bulla Cœnæ reservavit Papæ. Concilium vero Tridentinum: Sess. xiv. cap. 6, de Reform. solis reservavit locorum Episcopis. Quo Tridentino jure in Gallia utimur.

"IX. Hoc item observandum, in præfatis casibus percussiones Clericorum, simoniæ, confidentiæ, incendii, sacrilegæ rapinæ cum effractione, delationis armorum ad infideles, falsi criminis circa Apostolica rescripta et hæresis non tantum ipso facto incurri excommunicationem a perpetrantibus, sed etiam a consulentibus, auxiliantibus et receptatoribus ut statuunt citati Canones et Bullæ Apostolicæ." Cabasut. Lib. v., Cap. x., Ss. 8, 9, Edit. Faulcon, 1738.

Here these very Canons denied on oath by these Bishops are the laws cited for the excommunication of Heretics, and twice asserted to be held as law even in France, and this is the Canon law avowedly taught as the class book at Maynooth, which is after all but an imposture on the nation, for the ultra-montane not the Gallican Canonists are the books, they really teach the candidates for the Priesthood in that seminary.

There is but one more evidence to prove how, in every department of their whole theology, the utter want of truth is exhibited in the testimony of these men on this subject.

In Butler's Catechism, taught by Dr. Murnay's order in his Diocese, and sanctioned by the Board of National Education, the following question occurs:—

#### Lesson XXI.

Q. What punishment has the Church decreed against those who neglect to receive the blessed Eucharist at Easter?

A. They are to be excluded from the House of God

whilst living, and deprived of Christian burial when they die.—21 *Canon Council of Lateran*.

In Dr. Doyle's Catechism, printed for his own Diocese, there is verbatim the same question, Lesson XXI, and verbatim the same answer; and in his Christian Doctrine on the Fourth Precept of the Church, it occurs thus—

**Q.** What punishment has the Church denounced against those who neglect to receive worthily the blessed Sacrament at Easter?

**A.** Such punishment as is to be inflicted only on the most greivous public crimes; they are to be excluded from the Church whilst living in that state, and if they die so, they are to be deprived of Christian burial, like public malefactors.—*Council Lat. 21st Can.*

Now, two things are manifest from these quotations.

First—They agree in quoting the twenty-first Canon of the Council of Lateran. Now, the numerical order of this twenty-first Canon, which they quote in their own Catechisms, necessarily infers the existence in numerical order of the very third Canon which they have tried by such numberless evasions to get rid of on their oaths, and this order is preserved of these Canons in every authorised edition of the Councils in the Church of Rome.

Secondly—Dr. Doyle pretended, as we have seen, that these Canons were recited by the Pope in the Council, and were therefore not the acts of the Council, but merely of the Pope. While here we see, when they are putting forth their authority over the minds of the poor people, they call these canons the decrees and denunciations of the Church. There is not one quarter to which we look for authoritative proof, that does not demonstrate the utter duplicity and falsehood of the evidence which was given by these Bishops on the subject.

So far the documents go to establish this fact, that while these men were thus evading and denying in every form which evasion and denial could assume, and that on their oaths separately, and in conjunction, the meaning and the ecclesiastical authority of the Canon, yea, which they were trying by every artifice to throw a doubt on its authenticity and its very existence, as a decree of the Council; there was scarcely a work of authority in their church, from their Corpus Juris Canonici to their Christian doc-

trines and their Catechisms, in which this Canon was not cited, as a law of direct and positive authority for the extermination of heretics, &c., or proved to be in existence, as the third Canon of the Council of Lateran. But when we consider the subsequent conduct of these Bishops themselves—when we consider, as shall be demonstrated, that after they had obtained the fruits of these oaths, their first act in their united Episcopal authority was to assemble together, Dr. Murray, with his three suffragans, Dr. Doyle, Dr. Keating, and Dr. Kinsella, and in their provincial Synod to set up, by their secret statutes, as the law under the authority of which “they were bound to exterminate heretics out of their dioceses,” this very identical Canon as set forth under the authority of their Pope Benedict XIV.; nay, to select, as shall be seen, the very portion of that Canon by which it is enacted, that if a Bishop shall be remiss in discharging this duty of his Episcopal function, he is to be degraded from his office, and another, who will not fail to fulfil this important part of his duty, to be put into his place. When we consider that they set this up as the standard authority for the conduct of their Priests, of whom so many are, no doubt, aspiring to the honour of the mitre, and zealous to discharge the duties which could best qualify them for this office, and that this book was to be the conference book for their respective dioceses, that they might know that their Priests were well drilled in it, and that it was not only the standard for the Priests themselves, but the standard by which they were “to direct the consciences of the people committed to their charge.” When we consider these things, it is not the part of a single man to pronounce a sentence which is to be expected from the unanimous voice of an empire. Let us now briefly review some points of their evidence, and compare them with their conduct, and with this Canon.

The evidence of Dr. Crotty (see pp. 59—63) is of little consequence comparatively; it is only of use to show how thoroughly they were all drilled in the same system of evasion. If the question concerned Maynooth, Dr. Crotty’s evidence might be quoted, to establish how perfectly at variance it was with the books taught in his own college, and actually returned by himself as the standards of instruction there, to those very Commissioners

before whom he was swearing at the time. But when he swears "this Canon could have no power but from the recognition of it by the states of Europe, and their sanction having long since been withdrawn, the Canon is at present, a dead letter." We may observe how flatly he contradicts both himself and his brother Bishops. For how can he positively swear that the sanction of the states of Europe was withdrawn from the Canon, if his oath and their oaths be true, that its very existence was hypothetical? When did the states of Europe withdraw their sanction from it? If they never did so, his oath must be false in this point; and if they did so, both his oath and that of his brethren must be false in another, or the states of Europe must have been fools to withdraw their sanction from a shadow. But Dr. Crotty must give place to those who have more to answer for than the simple violation of their oaths.

Dr. Doyle, when asked whether the doctrines of the extermination of heretics is not declared in the third Canon of the fourth Lateran Council, swears in the very teeth of the words of the Canon, "VERY FAR FROM IT!" See p. 64. Yet the first act of himself and his brethren in their provincial Synod of 1831, is to set this Canon up for the law under which Bishops were to exterminate heretics from their dioceses.—See Supplement to Dens VIII. p. 82, Ed. Coyne, Dub. 1832. He swears that "it was not mentioned as a part of the Council, by any writer for nearly three hundred years after the Council itself was held—(see p. 64)—while he himself, and his co. provincial Bishops, set it up as the law to exterminate heretics, quoting it from the Pope Benedict XIV., and the very words of the authority which they cite are these, after adducing several other authorities for exterminating heretics, "that we may not waste our time in illustrating a matter, undoubted among all, it will be sufficient to allege one sanction of Innocent III. in the fourth General Council of Lateran of the year 1215, in which c. 3. de hæreticis,' Bishops are ordered every year, &c. &c."—(See Ben. de Syn. Diœc. as cited in the Supplement to Dens, p. 83. This was the authority of himself and Dr. Murray, in the book set up in their own secret statutes, which by every possible precaution they sought to prevent from ever falling into any hands but those of their Priests, and it may serve to show the conscious falsehood of all they said, and all

they swore as to Collier the historian, and the Mazarine copy, and Mathew Paris, and all the other tissue of evasions and duplicity, which constitute the whole mass of their evidence, as cited in these pages.

But further, Dr. Doyle and Dr. Murray swore, again and again, before Lords, Commons, and Commissioners, jointly and separately, that this Canon was not an ecclesiastical enactment at all, but as Dr. Doyle called it, p. 65, "an act of the assembly, as constituting really and substantially a congress of all the powers then existing in Europe," and as Dr. Murray echoes him, p. 66, "not to be considered so much the act of the Church, as of the States General of Christendom." Yet what do these two men after these oaths? In conjunction with their other two provincial Bishops, Dr. Keating and Dr. Kinsella, they meet in Ecclesiastical Synod, and by their united Episcopal authority they set up this Canon as a pure Ecclesiastical law for themselves and the body of their Priests, and to make it act through the Priests upon the consciences of the unfortunate people, not only without the concurrence of the laws of the land, but in utter defiance of, and treasonable rebellion against them for the extermination of heretics out of every diocese in Ireland !!!

Again, when these men did grant the hypothesis, that this Canon was enacted. When they did assume that it was enacted by the co-ordinate authority of the secular and spiritual powers, what was their excuse, their plea for this cruel enactment of secular and spiritual Popery? It was this—that indeed this law was enacted against the Albigenes, whose heresy, as Dr. Doyle states, "went to upturn the foundations of society, for they introduced Manicheism—they went to favour unnatural crimes, and to forbid marriage as damnable," p. 64, and as Dr. Murray states, echoing him, "their errors aimed at the extirpation of the human race," p. 66; and again, in their joint evidence before the Commissioners, he calls it, p. 73, "that dreadful moral contagion which was spreading in the twelfth century, when heresies were broached, which taught marriage to be a crime, and other doctrines advanced, which were calculated to upturn the foundations of society itself." Now, in this case, we shall give these men the full advantage of their own evidence. We shall assume that it is true, and that the exterminating atrocity

of the Canon was palliated, if not excused, by the crimes of the Albigenses. Then how stands the case? The ultimate admission of any existence and authority which they will allow to this Canon is, that it was a confederated act of the secular and spiritual authorities, to punish and put down a set of monsters whose crimes were incompatible with the existence of society, and they gave this, and all their evidence on the subject to hush every apprehension, to stifle every fear in the breasts of their Protestant fellow-subjects—to give them every possible assurance that explanations, arguments, promises, asseverations, and oaths could give them, that this Canon not only had no existence now, but that even when it had, if ever it had an existence, it never was intended as a persecuting statute on account of religious opinions, but merely as a civil law to punish public criminals, and that they themselves so far from harbouring any feelings of intolerance and persecution against Protestants, if they would only concede to them political power that “the country (as Dr. Doyle stated, see p, 27) would settle down into a habit of quiet, and they would view us (the clergy) if those claims were granted as brethren, labouring in the same vineyard with themselves, seeking to promote the interests of our common country.” Well, when these professions, promises, and vows, and oaths were believed, when they obtained the power they sought for, what did they do? The first confederated act of the men, who had sworn these oaths, was to convene with their brethren into their provincial Synod, and to set up this very law which they had sworn had only been enacted against the most atrocious criminals in the thirteenth century.—To set up this law, I say, in the year 1832, for the extermination of their Protestant fellow-subjects, of the very men who had been persuaded by their promises, who had depended on their protestations, and confided on their oaths.

But what can we think of a still further advance in the case when we are convinced that they knew the full extent of the crime they were thus perpetrating? that they calculated on the effect of the law they were putting into force, and that therefore if this crime were capable of aggravation, we see it aggravated to the very extremity of guilt, and that upon the conclusive testimony of their own evidence, for however they are not to be believed in any

thing that they thought fit to deny, we can have no hesitation in giving them credit for what they chose deliberately to acknowledge. Now let the reader turn to Dr. Doyle's own deliberate representation of this canon and of the consequences of its being put into force, p. 70.—He says

“Such a law in the present age would be immoral, unjust, impossible. It would be opposed to the natural dispositions of the people of this empire. It would be contrary to all the laws, usages and customs of our country. It would not be suited to the times and circumstances in which we live. In place of being necessary or useful, it would upturn the very foundations of society, and instead of benefitting the entire community, it would drench our streets and our fields in blood.”

Such was his representation of this law in his letter to Lord Liverpool, when it was their aim and interest to convince the Protestants of the empire, not only how secure they were from the operation of such a bloody statute as this, but how these Prelates held it in utter abhorrence and detestation; but when the Protestants had been so deluded, so imposed on as to believe these representations and these oaths about this canon, these very men who gave these oaths were the first whom we can conclusively demonstrate to have assembled in their Provincial Synod, and to have set up this very statute which was to “drench our streets and our fields in blood” as their own Episcopal law for exterminating the men who had trusted them, their Protestant fellow subjects out of their dioceses, and the law in which they were to drill their Priests to direct in their confessional the consciences of the unfortunate population committed to their charge. How far their view of the operation of this law was correct, how well they could calculate on the effects which their own instructions and authority, and those of their Priests could produce on the minds of the poor unhappy Roman Catholic peasantry of Ireland, let the history that is traced in blood through “her streets and fields” by the hand of the assassin, transmit to the remotest ages of posterity.

I now proceed to give the law of the Diocesan Synod of Benedict XIV. set up in their Provincial statutes by their Bishops as the law of the Romish Episcopacy of Ireland; and whereas the translations of other Sections of Bulls are given in an appendix for those who may not



understand the Latin, the translations of these documents are subjoined to each of them in the text that every one who reads, may see in a moment the full atrocity of the case. The following is extracted from the supplement to Dens. vol. viii. page 82.—Title.

“HÆRETICI.”

“Tenetur Episcopus etiam in locis ubi officium S. Inquisitionis viget sedulo curare ut creditam sibi Diocesim ab hæreticis purget: et si quem repperit pænis canonicis puniri debet: cavere tamen debet ne fidei inquisitores a suo manere obeundo impediatur. Deductum vero hæreticum ad suum tribunal non minus Episcopus quam Inquisitor reconciliare possunt Ecclesiæ et pro utroque foro absolvere. Quin et possunt hæreticum postquam errores suos ejuraverit, ad simplicem confessorium pro absolutione remittere quæ tunc data a confessorio in foro sacramentali absolutio pro foro pariter externo valet. Ita in tr. De. syn. diac. L. 7. c. 32. n. 3. t. 2. p. 329. nov: edit.

THUS TRANSLATED.

A Bishop is bound even in places where the office of the holy Inquisition is in force, sedulously to take care that he shall purge the Diocese entrusted to him from heretics, and if he shall find any he ought to punish them with the canonical punishments. But he ought to beware that he does not impede the inquisitors of the faith from discharging their duty, but the Bishop not less than the inquisitor can reconcile the heretic when brought before his tribunal to the Church, and grant him absolution in either forum. Nay, more, they can also send the heretic after he has renounced his errors to a simple confessor for absolution, which absolution then given by the confessor *in foro sacramentali*, is of equal efficacy *in foro externo*.”

This is briefed from the treatise on the Diocesan synod of Benedict XIV. and the passage No. 3. to which the reference here made, is as follows:—

III. Inter præcipuas Pastoralis muneris curas est solerter invigilare, ne ullus contra orthodoxam doctrinam error in suam diocesim irrepatur: quod luculenter expressit Apostolus 1. *ad Timotheum* c. 3. et *ad Titum* c. 1. Hinc nemo dubitat, quin ad Episcopum potissimum pertineat, non hæreticos inquirere, atque in illos, quos in suis erroribus

pertinaces compererit, canonicis pœnis severe animadvertere. Hanc Episcoporum obligationem agnovit, et inculcavit Auctor epistolæ ad Episcopos in Galliis, atque in Hispaniis consistentes. quam *Lucio* Papæ adscripsit *Isidorus*, ita Episcopos alloquens: "Ideo, Fratres, hortor dilectionem vestram, obtestor, et moneo, ut qua debetis, et potestis sollicitudine, vigiletis ad investigandos hæreticos, et inimicos sanctæ Ecclesiæ, et a sanis mentibus, ne pestis hæc latius divulgetur, severitate, qua potestis, pro viribus extirpetis, tom. 1. Collectionis Harduini col. 140." Quamquam porro hoc Lucii testimonium credatur adulterinum, adulterinum certe non est decretum Concilii Remensis anni 625. vel. 630. quod *can. 4. tom. 3. Collectionis Harduini* col. 572. ab Ecclesiarum Pastoribus hæreticos diligenter perquiri, et ad Fidem Catholicam pro viribus revocari, mandavit. Et, ne inutiliter tempus teramus in re exornanda apud omnes indubitata, satis abunde erit, unam allegare sanctionem *Innocentii III.* in Concilio Generali Lateranensi IV. anni 1215. *in cujus c. 3. de hæreticis*, jubentur Episcopi singulis annis vel per se, vel per Archidiaconos, suas circumire diœceses, et sedulo indagare, an ullus in ea latitet hæretica contagione infectus; socordes vero, et negligentes, in expurganda concredita sibi diœcesi ab hæretica lue, veluti gravis flagitii reos, et Pastoralis ministerio indignos, e gradu dejici, ibidem decernitur, tom. 7. Collectionis Harduini col. 22. "Volumus igitur, et mandamus, et virtute obedientiæ districte præcipimus, ut ad hæc efficaciter exequenda Episcopi per diœceses suas diligenter invigilent, si canonicam effugere voluerint ultionem. Si quis enim Episcopus super expurgando de sua diœcesi hæreticam pravitatem fermento negligens fuerit, vel remissus, quum id certis Indiciis apparuerit, et ab Episcopali officio deponatur, et in locum ipsius alter substituatur, qui velit, et possit hæreticam confundere pravitatem." Neque per hoc, quod a Sede Apostolica institutum fuerit Inquisitionis tribunal, cujus initium ad ejusdem seculi XIII. initium post tamen absolutum Concilium Lateranense IV. in quo certe nulla de Inquisitoribus a Sede Apostolica delegatis occurrit mentio, refert "Ludovicus a Paramo da Origine sacræ Inquisitionis lib. 2. tit. 1. c. 2." non est (inquam) per hoc Episcopis subductum onus, aut adempta facultas in hæreticos inquirendi: sicut deserte declaravit "Bonifacius

VIII. in Cap. 17. de hæreticis, in 6." "Per hoc quod negotium hæreticæ pravitatis alicui, vel aliquibus ab Apostolica Sede generaliter in aliqua provincia, civitate, vel diœcesi delegatur, diœcesanis Episcopis, quin et ipsi auctoritate ordinaria, vel delegata (si habent) in eodem procedere valeant, nolumus derogari:" sed possunt, et debent, perinde ac antea, omnem suam operam impendere, ut eandem pestem, e sua quilibet diœcesi, eliminent; solumque cavere, ne delegatos ab Apostolica Sede Fidei Quæsitores, ubi sunt constituti, a suo munere obeundo impendant; sed pari studio, animorumque concordia, debent in opus adeo salutare incumbere, juxta modum præscriptum "in eodem Cap." per hoc, "atque in Clementina 1. eod. tit. et in Extravag. Benedicti XI. Cap. 1. de hæreticis." Jam vero tam Inquisitor, quam Episcopus potest resipiscentem hæreticum, aut sponte coram se comparentem, aut ad suum forum quoquo modo deductum, Ecclesiæ reconciliare, et pro utroque foro absolvere a censura, in quam propter hæresim incidit; quod pluribus ostendunt Cardinalis "Albitius de Inconstantia in Fide c. 25. n. 35. et seq. Farinaccius de hæresi quæst. 92. §. 4. n. 52. Cardinalis de Lugo de virtute Fidei disp. 23. sect. 3. §. 1. n. 52. Thomas del Bene de offic. S. Inquisitionis part. 1. dubitat. 57. et Cardinalis Petra tom. 3. ad Constit. 18. Innocentii IV. n. 27. et seq." Quin immo uterque potest pœnitentem hæreticum, postquam suos ejuravit errores, ad simplicem Confessarium remittere, aut ab eo absolvatur: eamque absolutionem, licet a Confessario datam in foro Sacramentali, prodesse etiam pro foro externo, a cujus jurisdictione promanat, recte observat idem del Bene. Plura de ordinaria potestate Episcoporum inquirendi in hæreticos, eosque Ecclesiæ reconciliandi, congesta sunt ab Alteserra "de Jurisdict. Ecclesiast. lib. 4. c. 3. et novissime a P. Joanne Antonio Bianchi de potestate Ecclesiæ tom. 3. lib. 1. §. 10. n. 2. et 3. Plura etidem ad rem facientia legi possunt in Colloquiis Andegavensibus mensis Maii 1713. "quæst. 4. pag. 110.

#### THUS TRANSLATED.

III. Among the principal caues of the pastoral office is this, diligently to watch lest any error contrary to the Orthodox doctrine should creep into his diocese, which the Apostle clearly expresses in 1st Tim. cap. 3, and Tit. cap. I.

Hence no one doubts but that it most especially belongs to the Bishop to make inquiry against heretics, and against those whom he shall find obstinately persisting in their errors, to put in force severely the Canonical punishments. This obligation of Bishops, the author of the Epistle to the Bishops in France and Spain acknowledges and inculcates, which Isodorus wrote to Pope Lucius, thus addressing the Bishops—"Therefore, brethren, I exhort, beseech, and admonish your love, that with as much anxiety as ye ought, and are able, ye will watch to discover heretics and enemies of the holy Church, and lest this pest should spread farther among minds untainted, that you extirpate it according to your power with what severity you can.—Tom. 1. Collec. Hardwin. Col. 140. Moreover, although this testimony of Lucius is believed to be spurious, certainly the decree of the Council of Rheims is not spurious of the year 625, or 630, which in Can. 4. Tom. 3. Collect. Hardwin Col. 572 commands, that heretics be diligently sought out by the pastors of the churches, and brought back according to their power to the Catholic faith, and that we may not uselessly waste our time in illustrating a subject, undoubted among all, it will be abundantly sufficient to allege one sanction of Innocent III. in the fourth General Council of Lateran, An. 1215, in which Can. 3d, de hæreticis, Bishops are ordered, either by themselves or their Archdeacons, to go through their dioceses every year, and sedulously to trace out whether any one infected with heretical contagion lies concealed in it; but it is there also decreed, that those who are slothful and negligent in purging the diocese entrusted to them from the heretical pestilence, shall be deposed from their rank as guilty of a weighty crime, and unworthy of the pastoral office—(here follows the quotation from this celebrated Canon.)—Tom. 7. Collect. Harduini, Col. 22. 'We will, therefore, and command, and in virtue of obedience strictly enjoin that, for the diligent performance of these things, the Bishops shall diligently watch throughout their dioceses, if they wish to escape canonical vengeance. For, if any Bishop shall have been negligent or remiss in purging his diocese from the leaven of heretical pravity, when this shall be made to appear by certain proofs, he shall both be deposed from his Episcopal office, and another shall be substituted in his place, who shall be both willing and able

to confound heretical pravity.'—(Thus ends the quotation of the Canon.) "Nor by this tribunal of the Inquisition, which was instituted by the Apostolic chair, whose beginning Ludovicus a Paramo refers to the commencement of the thirteenth century; but subsequent to the fourth Lateran Council, for in that certainly no mention occurs of Inquisitors delegated by the Apostolic chair; (De Orig. Sac. Inquis. Lib. 2, Tit. 1. c. 2.) By this I say, no weight was taken from the Bishops, nor were they deprived of any power of making inquiry against heretics as Boniface VIII. eloquently declares in cap. 17. de hæreticis in Sex. "We do not mean by this, that the business of inquiring into heretical pravity is delegated to any person or persons generally in any province, state, or diocese, so as to derogate from the Diocesan Bishops, but that they also may be able to proceed in the same by their ordinary authority, or delegated if they possess it;" but they both can and ought just as before, to bestow all their labour to banish that same pest, each from his own diocese, and only to take care that they do not hinder the Inquisitors of the faith, delegated by the Apostolic chair, where they are appointed, from discharging their duty; but with equal zeal and unanimity they ought to devote themselves to such a salutary work according to the mode prescribed in this same chap. "*Per hoc*," and in the Clement. 1. eod. tit. and in the extravag. of Bon. XI. cap. 1. de hæreticis. But as well the Inquisitor as the Bishop can reconcile the penitent heretic to the Church, when either voluntarily coming to appear before him, or brought by any means to his tribunal, and can absolve him in either forum, from the censure, into which, on account of his heresy he had fallen, as the Cardinal Albutius shows in many places.—(See quotations above.) But moreover, either of them can send the penitent heretic, after he has renounced his errors, to a simple confessor that he may be absolved by him. And the same del Bene well observes, that this absolution, although given by a confessor in the sacramental tribunal, can also avail for the external tribunal, from whose jurisdiction it proceeds. Many authorities as to the ordinary power of Bishops instituting an inquiry against heretics, and reconciling them to the Church have been collected by Alteserra. Many also on the same subject, may be read in the conferences."—(See references in original.)

Here is the authority from the Diocesan Synod of Benedict XIV., and the reader shall now be presented with this celebrated Canon, of which a part has been quoted here.

## THE THIRD CANON

OF THE

### FOURTH LATERAN COUNCIL,

As taken from the Corpus Juris Canonici. Decretal. Greg. IX. Lib. v. Tit. vii. Cap. 13. de Hæreticis.

“Excommunicamus et anathematizamus omnem hæresim extollentem se adversus hanc sanctam, orthodoxam, Catholicam fidem, quam superius exposuimus: condemnantes universos hæreticos, quibuscumque nominibus censeantur: facies quidem habentes diversas, sed caudas ad invicem colligatas, quia de vanitate conveniunt in id ipsum.”

“Damnati vero, sæcularibus potestatibus præsentibus, aut eorum ballivis, relinquuntur, animadversione debita puniendi, clericis prius a suis ordinibus degradatis: ita quod bona hujusmodi damnatorum, si laici fuerint, confiscentur; si vero clerici, applicentur ecclesiis a quibus stipendia receperunt.”

“Qui autem inventi fuerint solasuspensione notabiles, nisi juxta considerationem suspicionis, qualitatemque personæ, propriam innocentiam congrua purgatione monstraverint, anathematis gladio feriantur, et usque ad satisfactionem condignam ab omnibus evitentur; ita quod si per annum in excommunicatione perstiterint, extunc velut hæretici condemnentur. Moneantur autem et inducantur, et, si necesse fuerit, per censuram ecclesiasticam compellantur, sæculares potestates, quibuscumque fungantur officiis, ut sicut reputari capiunt et haberi fideles, ita pro defensione fidei præstent publicè juramentum, quod de terris suæ jurisdictioni subjectis universos hæreticos ab Ecclesia denotatos bona fide pro viribus exterminare studebunt: ita quodammodo, *quandocumque quis fuerit in potestatem sive spirituales, sive temporales assumptus, hoc teneatur capitulum juramento firmare.*”

“Si vero dominus temporalis requisitus et monitus ab Ecclesia, terram suam purgare neglexerit ab hac hæretica foeditate, per Metropolitanum et cæteros comprovinciales episcopos excommunicationis vinculo innodetur. Et si sa-

tisfacere contempserit infra annum, significetur hoc Summo Pontifici: ut extunc ipse *vassallos ab ejus fidelitate denunciet absolutos, et terram exponat Catholicis occupandam, qui eam, exterminatis hæreticis sine ulla contradictione possideant, et in fidei puritate conservent*: salvo jure domini principalis, dammodo super hoc ipse nullum præstet obstaculum, nec aliquod impedimentum opponat: eadem nihilominus lege servata circa eos qui non habent dominos principales."

"Catholici vero, qui crucis assumpto caractere, ad hæreticorum exterminium se accinxerint, illa gaudeant indulgentia, illoque sancto privilegio sint muniti, quod accedentibus in Terræ Sanctæ subsidium conceditur."

"Credentes vero, præterea receptatores, defensores et fautores hæreticorum, excommunicationi decernimus subjacere: firmiter statuentes, ut postquam quis talium fuerit excommunicatione notatus, si satisfacere contempserit intra annum, extunc ipso jure sit factus infamis, nec ad publica officia seu consilia, nec ad eligendos aliquos ad hujusmodi, nec ad testimonium admittatur. Sit etiam intestabilis, ut nec testandi liberam habeat facultatem, nec ad hæreditatis successionem accedat."

"Nullus præterea ipsi super quocumque negotio, sed ipse aliis respondere cogatur. Quod si forte judex extiterit, ejus sententia nullam obtineat firmitatem, nec causæ aliquæ ad ejus audientiam perferantur. Si fuerit advocatus, ejus patrocinium nullatenus admittatur. Si tabellio, ejus instrumenta confecta per ipsum nullius penitus sint momenti, sed eum autore damnato damnentur. Et in similibus idem præcipimus observari. Si vero clericus fuerit, ab omni officio et beneficio deponatur: ut in quo major sit culpa, gravior exerceatur vindicta."

"Si qui autem, tales, postquam ab Ecclesia denotati fuerint, evitare contempserint, excommunicationis sententia usque ad satisfactionem idoneam percellantur. Sane clerici non exhibeant hujusmodi pestilentibus Ecclesiastica sacramenta, nec eos Christianæ præsumant sepulturæ tradere, nec eleemosynas, aut oblationes eorum accipiant: alioquin suo priventur officio, ad quod nunquam restituantur absque indulto sedis Apostolicæ speciali."

"Similiter quilibet regulares, quibus etiam hoc infligatur, ut eorum privilegia in illa diocesi non serventur, in qua tales excessus præsumpserint perpetrare."

"Quia verò nonnulli sub specie pietatis, virtutem ejus

(juxta quod Apostolus ait) abnegantes, auctoritatem sibi vindicant prædicandi, cum idem Apostolus dicat: *Quomodo prædicabunt, nisi mittantur?* omnes, qui prohibiti vel non missi, præter auctoritatem ab Apostol. sede, vel Catholico Episcopo loci susceptam, publicè vel privatim prædicationis officium usurpare præsumpserint, excommunicationis vinculo innodentur: &, nisi quam citiùs resipuerint, aliâ competenti poenâ plectentur."

"Adjicimus insuper, ut quilibet Archiepiscopus vel Episcopus, per se aut per Archidiaconum suum, aut alias honestas idoneasque personas, bis aut saltem semel in anno, propriam parochiam, in qua fama fuerit hæreticos habitare, circumeat: & ibi tres aut plures boni testimonii viros, vel etiam (si expedire videbitur) totam viciniam jurare compellat, quòd, si quos ibidem hæreticos sciverit, vel aliquos occulta conventicula celebrantes, seu à communi conversatione fidelium vitâ & moribus dissidentes, eos Episcopo studeat indicare. Ipse autem Episcopus ad præsentiam suam convocet accusatos, qui, nisi se ab objecto reatu purgaverint, vel, si post purgationem exhibitam in pristinam fuerint relapsi perfidiam, canonicè puniantur. Si qui verò ex eis juramenti religionem obstinatione damnabili respuentes, jurare fortè noluerint, ex hoc ipso tanquam hæretici reputentur."

"Volumus igitur & mandamus, & in virtute obedientiæ districtè præcipimus, ut ad hæc efficaciter exequenda Episcopi per diöceses suas diligenter invigilent, si canonicam velint effugere ultionem. Si quis enim Episcopus super expurgando de sua diöcesi hæreticæ pravitatis fermento negligens fuerit vel remissus, cùm id certis indiciis apparuerit, ab Episcopali officio deponatur, & in locum ipsius alter substituatur idoneus, qui velit & possit hæreticam confundere pravitatem."

#### THUS TRANSLATED.

"We excommunicate and anathematize every heresy which exalteth itself against this holy, orthodox, and Catholic faith, which we have set forth above; condemning all heretics, by whatsoever names they may be reckoned: *who have indeed diverse faces, but their tails are bound together, for they make agreement in the same folly.*"

"Let such persons, when condemned, be left to the secular powers who may be present, or to their officers, to be punished in a fitting manner, those who are of the clergy being first degraded from their orders: so that the goods



of such condemned persons, being laymen, shall be confiscated ; but in the case of clerks, be applied to the churches from which they received their stipends."

"But let those who are only marked with suspicion, be smitten with the sword of anathema, and shunned by all men until they make proper satisfaction, unless, according to the grounds of suspicion and the quality of the person, they shall have demonstrated their innocence by a proportionate purgation. So that if any shall persevere in excommunication for a twelvemonth, thenceforth they shall be condemned as heretics. And let the secular powers, whatever offices they may hold, be induced and admonished, and, if need be, compelled by ecclesiastical censure, that as they desire to be accounted faithful, they should, for the defence of the faith, publicly set forth an oath, that to the utmost of their power they will strive to exterminate from the lands under their jurisdiction all heretics who shall be denounced by the Church ; so that whensoever any person is advanced, either to spiritual or temporal power, he be bound to confirm this decree with an oath."

"But if any temporal lord, being required and admonished by the Church, shall neglect to cleanse his country of this heretical filth, let him be bound with the chain of excommunication, by the Metropolitan, and the other co-provincial Bishops. And if he shall scorn to make satisfaction within a year, let this be signified to the Supreme Pontiff : that, thenceforth, he may declare his vassals to be absolved from their fidelity to him, and may expose his land to be occupied by the Catholics, who, having exterminated the heretics, may, without contradiction, possess it, and preserve it in purity of faith : saving the right of the chief lord, so long as he himself presents no difficulty and offers no hindrance in this matter : the same law, nevertheless being observed concerning those who have not lords in chief."

"But let the Catholics, who, having taken the sign of the cross, have girded themselves for the extermination of the heretics, enjoy the same indulgence, and be armed with the same privilege as is conceded to those who go to the assistance of the Holy Land."

"But we decree also, to subject to excommunication, the believers, the receivers, the defenders, the abettors of the heretics ; firmly determining that if any one, after he

has been marked with excommunication, shall refuse to make satisfaction within a twelvemonth, he be thenceforth of right in very deed infamous, and be not admitted to public offices or councils, nor to elect for any thing of the sort, nor to give evidence. Let him also be intestable, so as neither to have power to bequeath, nor to succeed to any inheritance."

"Moreover, let no man be obliged to answer him in any matter, but let him be compelled to answer others. If, haply, he be a judge, let his sentence have no force, nor let any causes be brought for his hearing. If he be an advocate, let not his pleading be admitted. If a notary, let the instruments drawn up by him be invalid, and be condemned with their damned author. And we charge that the same may be observed in similar cases. But if he be a clerk, let him be deposed from every office and benefice, that where there is the greatest fault, the greatest vengeance may be exercised."

"But if any shall fail to shun such persons, after they have been pointed out by the Church, let them be compelled, by the sentence of excommunication, to make fitting satisfaction. Let the clergy by no means administer the sacraments of the Church to such pestilent persons, nor presume to commit them to Christian burial, nor receive their alms nor oblations; otherwise let them be deprived of their office, to which they must not be restored without the special indulgence of the Apostolic See. In like manner any regulars on whom also this may be inflicted, that they shall not retain their privileges in that diocese in which they shall have dared to perpetrate said excesses."

"But because some, under the semblance of godliness, *but denying the power thereof*, as the apostle says, assume to themselves the authority of preaching; when the same apostle says, "*How shall they preach except they be sent.*" All who, being prohibited, or not sent, shall dare publicly or privately to usurp the office of preaching, shall be bound with the chain of excommunication, and unless they immediately repent, shall be smitten with other suitable punishment."

"We add, moreover, that every Archbishop or Bishop shall either by himself or his Archdeacon, or other honest and suitable persons, twice, or at least once every year, go round

his own parish (diocese) in which there shall be a report that heretics inhabit—and there shall compel three or more men of credible testimony, or if it shall seem expedient, the whole neighbourhood to swear, that if they shall know any heretics there, or any holding secret conventicles, or differing from the ordinary conversation, life, and morals of the faithful, they shall endeavour to give information of it to the Bishop; but the Bishop himself shall cite the persons accused into his presence, who, unless they shall have cleared themselves from the crime alleged against them, or, if after having cleared themselves they shall relapse into their former perfidy, let them be punished according to the canons. But, if any of them, with damnable obstinacy, rejecting the religion of an oath, shall, perhaps, be unwilling to swear, let them on that very ground be considered as heretics.”

“We will, therefore, and command, and in virtue of obedience strictly enjoin, that for the diligent performance of these things, the Bishops shall diligently unite throughout their dioceses, if they wish to escape canonical vengeance; for, if any Bishop shall have been negligent, or remiss in purifying his diocese from the leaven of heretical pravity, when this shall be made to appear, by certain proofs, he shall both be deposed from his Episcopal office, and another shall be substituted in his place, who shall be both willing and able to confound heretical pravity.”

Thus concludes this justly celebrated canon—a monument of the genuine and unchangeable character of that intolerant, idolatrous, and blasphemous apostacy, which God has branded with the unchangeable, irreversible title in his eternal word; and well may she boast herself, “*semper eadem*.” “And upon her forehead was a name written: ‘MYSTERY—BABYLON THE GREAT—THE MOTHER OF HARLOTS AND ABOMINATIONS OF THE EARTH.’ And I saw the woman drunken with the blood of the Saints, and with the blood of the Martyrs of Jesus: and when I saw her I wondered with great admiration.”—*Rev. xvii. 5-6.*

When we consider this Canon, and all the evidence that has been detailed on it; the setting it up by the very men who had given that evidence, as the law for exterminating heretics out of their dioceses, may, perhaps, appear to be the *ne plus ultra* of treachery and falsehood.

But there is an iniquity of the Papacy which it never entered the mind of Parliamentary Committees, or Commissioners of Education to investigate, and which they never dreamt could threaten any portion of the British Empire, but which is now demonstrable as being in the contemplation of this unchanged and unchangeable "MYSTERY OF INIQUITY," and that is, the carrying their atrocious tyranny into effect by the agency of the Inquisition. Of this we shall see more in the next Papal Bulls; but it will be observed, that while the Bishops and Inquisitors are commanded, as we have seen, by Benedict XIV., to unite with such sympathy and ardour in the persecution and extermination of heretics; they are desired to proceed according to a certain rule—namely, "according to the mode prescribed in Clementina, cap. 1. de hæreticis."

This is a constitution of Clement V., in the Council of Vienne in the year 1311, and this is one of the eighteen General Councils that are held to be infallible in the Church of Rome, and given as such in the list of Delahogue in his "Tractatus de Ecclesiâ," which is one of the class books of Maynooth. It is quoted, as well as the third Canon of the fourth Lateran, from the Corpus Juris Canonici, and is found in Clementinarum Lib. v. Tit. iii. c. 1. de hæreticis, and is as follows:—

TITULUS III. DE HÆRETICIS. CAP. I.

Clemens. V. in Concilio Viennensi.

"Multorum querela sedis Apostolicæ pulsavit auditum, quod nonnulli inquisitores per sedem eandem contra pravitatem hæreticam deputati, metas sibi traditas excedentes sic interdum extendunt suæ potestatis officium, ut, quod in augmentum fidei per circumspectam ejusdem sedis vigilantiam salubriter est provisum (dum sub pietatis specie gravantur innoxii) cedat in fidelium detrimentum."

"Propter quod ad Dei gloriam & augmentum ejusdem fidei, ut negotium inquisitionis hujusmodi eo prosperetur felicius, quo deinceps ejusdem labis indago solennius, diligentius, & cautius peragetur; ipsum tam per diocesanos Episcopos, quam per inquisitores à sede Apostolica deputatos [omni carnali amore, odio, vel timore, ac cujuslibet commodi temporalis affectione semotis] decernimus exer-

ceri. Sic, quod quilibet de prædictis sine alio citare possit, & arrestare, sive capere, ac tutæ custodiæ mancipare, ponendo etiam in compedibus vel manicis ferreis, si ei visum fuerit faciendum: super quo ipsius conscientiam oneramus: nec non inquirere contra illos, de quibus pro hujusmodi negotio, secundum Deum & justitiam viderit expedire. Duro tamen tradere carceri, sive arcto, qui magis ad poenam, quam ad custodiam videatur, vel tormentis exponere illos, aut ad sententiam procedere contra eos, Episcopus sine Inquisitore, aut Inquisitor sine Episcopo dioecesano, aut ejus Officiali, vel Episcopali sede vacante, Capituli super hoc delegato, si sui ad invicem copiam habere valeant, intra octo dierum spatium, postquam se invicem requisierint, non valebit. Et si secus præsumptum fuerit, nullum sit & irritum ipso jure. Verum si Episcopus vel ejus Capituli, sede vacante, delegatus cum Inquisitore, aut Inquisitor cum altero eorundem, propter præmissa nequeat aut nolit personaliter convenire: possit Episcopus, vel ejus seu Capituli, sede vacante, delegatus Inquisitori, & Inquisitor Episcopo vel ejus delegato, seu sede vacante illi, qui ad hoc per Capitulum fuerit deputatus, super illis committere vices suas, vel suum significare per literas consilium & consensum."

"Sanè quia circa custodiam carcerum hæreticalium, qui muri in quibusdam partibus vulgariter nuncupantur, multas fraudes dudum intelleximus perpetratas: Nos volentes super hoc providere, statuimus, ut quilibet talis carcer vel murus, quem de cætero Episcopo & Inquisitori prædictis volumus fore communem, duos custodes habeat principales, discretos, industrios & fideles: unum, quem volet Episcopus, & providebit eidem: alium, de quo voluerit Inquisitor, cui etiam providebit: & quilibet prædictorum custodum sub se alium bonum & fidum poterit habere ministrum. In quolibet etiam conclavi ejusdem carceris sive muri, erunt duæ claves diversæ, quarum unam unus, aliam alius tenebit prædictorum custodum, & eam cum officio ministrandi, quæ incarcerationis fuerint ministranda, suo poterit committere vel subdelegare ministro."

"Porro coram Episcopo vel Capitulo, sede vacante, & inquisitore prædictis vel substitutis ad eis, custodes supradicti, antequam suum officium exequantur, jurabunt ad sancta Dei Evangelia corporaliter à se tacta, quòd in custodia immuratorum & aliorum pro crimine supradicto in

sua custodia positorum & ponendorum, omnem diligentiam & sollicitudinem, quam poterunt, fideliter adhibebunt. Et quòd alicui incarcerato nihil unus in secreto loquatur, quin hoc audiat alter custos. Et quòd provisionem, quam incarcerati recipiunt ex ordinatione communi, & illud, quod à parentibus & amicis, vel aliis personis fidelibus offeretur eisdem (nisi Episcopi & inquisitoris vel suorum commissariorum ordinatio refragetur) ipsis fideliter & absque diminutione aliqua ministrabunt, nec in his fraudem aliquam adhibebunt. Et idem juramentum & coram eisdem personis ministri custodum, priusquam suum exerceant officium, exhibebunt. Et quia sæpè contingit Episcopos proprios habere carceres, sibi & dictis Inquisitoribus non communes: volumus & districtè præcipimus, ut custodes ad incarceratorum pro dicto crimine custodiam per Episcopos, vel sede vacante per Capitulum deputandi, & eorum ministri coram dictis Inquisitoribus vel substitutis ab eis præstent simile juramentum. Notarii quoque inquisitionis coram Episcopo & Inquisitore vel substitutis ab eis jurabunt, suum officium fideliter exercere. Et idem fiet de aliis personis, necessariis ad prædictum officium exequendum."

"Verùm quia nimis est grave, ad exterminationem pravitatis prædictæ non agere, quod ipsius contagiosa enormitas agendum requirit: grave est quoque & damnatione dignissimum malitiosè insontibus eandem imponere pravitatem: Episcopo & Inquisitori prædictis ac aliis ad dicti executionem officii substituendis ab eis, in virtute sanctæ obedientiæ & sub interminatione maledictionis æternæ præcipimus, ut sic discretè & promptè contra suspectos vel diffamatos de hujusmodi pravitate procedant, quòd malitiosè aut fraudulenter tantam labem, seu quod ipsos in executione officii inquisitionis impediatur, falsò alicui non imponant. Quòd si odii, gratiæ, vel amoris, lucri aut commodi temporalis obtentu, contra justitiam & conscientiam suam omiserint contra quemquam procedere, ubi fuerit procedendum super hujusmodi pravitate; aut obtentu eodem, pravitatem ipsam vel impedimentum officii sui alicui imponendo, eum super hoc præsumpserint quoquo modo vexare (præter alias pœnas, pro qualitate culpæ imponendas eisdem) Episcopus aut superior suspensionis ab officio per triennium, alii verò excommunicationis sententiam eo ipso incurrant. A qua quidem excommunicationis

sententia, qui eandem incurrerint, nisi per Romanum Pontificem nequeant, præterquam in mortis articulo, & tunc satisfactione præmissâ, absolutionis beneficium obtinere: nullo in hac parte privilegio suffragante."

"Alia sanè, quæ circa præmissum inquisitionis officium à nostris sunt prædecessoribus instituta (quatenus præsentì decreto non obviant) sacri approbatione Concilii roborata, in sua volumus firmitate manere."

#### THUS TRANSLATED.

#### *Decree of Pope Clement V. in the Council of Vienne.*

"The complaints of many persons hath reached the ears of the Apostolic chair, that some Inquisitors deputed by the same chair against the heretical pravity, exceeding the limits entrusted so them to stretch sometimes the authority of their power, that that which has been salutarily provided by the circumspect vigilance of the same chair for the increase of the faith, (while the innocent are oppressed under the semblance of piety) turns out to the detriment of the faithful."

"Wherefore, for the glory of God and the increase of the same faith, that the business of this inquisition may be more felicitously prosperous, so that hereafter the searching out of this same plague may be more solemnly, diligently, and cautiously executed, we decree that the same may be exercised by the diocesan Bishops, as well as by the Inquisitors deputed by the Apostolic chair—(all carnal love, hatred, or fear, and all affection of any temporal advantage being laid aside, so that any one of the aforesaid (viz., Bishops or Inquisitors) may, without the other, both arrest or seize (culprits) and commit them to safe custody, even by placing them in iron fetters or handcuffs, if it seem fit to them to be done, which we lay as a duty on their conscience; also to enter into investigation against those about whom, according to God and justice, it may seem expedient in a matter of this sort. But to deliver them into hard bondage or close confinement, which pertains rather to punishment than to close custody, or to expose them to tortures, or to proceed to sentence against them; the Bishop shall not be able to do without the Inquisitor, or the Inquisitor without the Diocesan Bishop, or his official, or if the Bishopric is vacant, the official of the Chapter, delegated for this purpose, if they

shall have mutually the power, within the space of eight days, after mutual requisition given to each other, and if they shall presume to do otherwise, their act is ipso jure, null and void."

"But if the Bishop, or the Bishopric being vacant, if the delegate of his Chapter is either unable or unwilling personally to meet the Inquisitor for the aforesaid business, or the Inquisitor to meet either of them; the Bishop or his seat being vacant, the delegate of his Chapter can commit to the Inquisitor, or the Inquisitor can commit to the Bishop, or his delegate, or his seat being vacant to the delegate of his Chapter deputed for this purpose, their own charge in this matter, or can signify by letter their concurrence and advice."

"Because, indeed, as to the custody of heretical prisons, which in some places are vulgarly called *muri*, or walls, we have understood that many frauds have been long perpetrated. We, wishing to provide against this, decree, that every such prison or murus which hereafter, we wish to be common to the Bishop and Inquisitor aforesaid, may have two chief keepers, discreet, industrious, and faithful, one whom the Bishop shall chose, and shall provide for the same, and another whom the Inquisitor shall chose, and for whom he shall provide, and each of the aforesaid keepers may have under him another good and faithful servant. In each cell also of the same prison or murus, there shall be two different keys, one of which one of the aforesaid keepers shall keep, and the other the other, and this with the duty of attending in whatever attendance may be necessary on those incarcerated, there he may be able to commit, or sub-delegate to his own servant."

"Moreover, the aforesaid keepers, before they undertake their office, shall swear in presence of the Bishop or Chapter, if the Bishopric is vacant, and of the Inquisitors, or of persons appointed by them, on the Holy Gospels of God, corporally touched by them, that in the custody of those who are imprisoned, and of others placed, or to be placed in their custody for the aforesaid crime, (heresy) they will faithfully use all the diligence and anxiety which they shall be able, and that one of them will not speak to any prisoner in secret but that the other keeper shall hear; and that the provision which the prisoners receive, accord-



ing to the ordinary regulations, and that which may be offered to them by their parents and friends, or other faithful persons, (unless the regulation of the Bishop or Inquisitor, or of their commissaries should prevent) they shall faithfully and without any diminution minister to them, and that they will use no fraud in these things; and the servants of the keepers, before they shall enter on their office, shall take the same oath, in the presence of the same persons; and because it frequently happens, that Bishops have their own prisons for themselves, and not in common with the aforesaid Inquisitors, we will, and strictly command that the keepers for the custody of those who are imprisoned for the crime aforesaid by the Bishops, or if the Bishopric is vacant, those deputed by the Chapter, and their servants shall take a similar oath in presence of the afore-mentioned Inquisitors, or persons appointed by them. The notaries also of the Inquisition shall swear in the presence of the Bishop and Inquisitor, or those substituted by them faithfully to execute their office, and the same shall be done by all persons necessary to discharge the aforesaid duty."

"But because it is too greivous not to do for the extermination of the aforesaid pravity, whatsoever its contagious enormity requires to be done. It is also grievous and most worthy of condemnation, maliciously to impute this same pravity to the innocent. We command the Bishop and Inquisitor aforesaid, and others substituted by them for the execution of the aforesaid office in virtue of holy obedience, and under the threat of everlasting curse, that they proceed so discreetly and promptly against those suspected, or openly accused of this sort of pravity, that they may not falsely impute to any one, through malice or fraud, so great a stain, or a charge of impeding them in the execution of the duty of the Inquisition. But if under colour of hatred, favour, love of gain, or temporal advantage, they shall have omitted to proceed contrary to justice and their conscience against any one for pravity of this sort where they ought to have proceeded, or under the same colour, by imputing to any one this pravity, or a charge of obstructing them in their duty, they shall have presumed by any means to harrass him on that account, besides the other punishments to be inflicted on them, according to the quality of their offence, the Bishop or

superior incurs, ipso facto, the sentence of suspension from his office for three years, but others the sentence of excommunication, from which sentence of excommunication those who shall have incurred the same cannot obtain the benefit of absolution, unless from the Roman Pontiff, except in the article of death, and then only, satisfaction having been previously made, no privilege in the case availing them."

"We will also, that all other things which have been instituted by our predecessors concerning the aforesaid office of the Inquisition, as far as they do not oppose the present decree, may remain in all their force, confirmed by the approbation of the Sacred Council."

Here there can be no mistake ; these Bishops quote as their authority for exterminating heretics, in conjunction with the Inquisitors, a decree of a council which they proclaim to be infallible, and which they have never yet attempted to deny, and although it may seem incredible to many, that they could be guilty of such a crime, even in contemplation, as that of setting up their inquisitorial authority in this country, in the Empire of Protestant Britain in the light of the 19th century, yet the evidence derived from this last document is but a small part of that which shall now be laid before the reader.

**THE PAPAL LAWS**  
**SET UP BY**  
**THE BISHOPS OF LEINSTER**  
**FOR**  
**SUBJECTING HERETICS TO THE INQUISITION,**  
**A. D. 1832.**

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On this subject there is no direct perjury of these Bishops to adduce against them for the simple reason, as has been stated, that they were never examined on it. The long subjugation of the Papacy in this once comparatively free and happy country, had so completely deprived them of the power of putting their horrible system of tyranny into execution, that the Protestants imagined the character of the Papacy had been changed. The affectation of liberal principles, as they are called, was the mask worn by its advocates, and, indeed, let us hope, they are the genuine sentiments of some of the laity at least ; but although Protestants were in general apprehensive of the principles of the Priests, they never imagined that they could even secretly entertain, much less dare actually to promulge, the purpose of setting up the Inquisition in Ireland. How little they were acquainted with their genuine character, the facts already set forth in these pages abundantly testify ; but though Protestants were blind and ignorant on the subject, there was one poor man, a Priest, who had escaped, I know not by what marvellous process

of mental insulation, the contagion of that contaminating and debasing atmosphere, the education of a Priest ; a man who was an honest man, and a loyal man, and who was therefore sacrificed as a victim to the treachery and treason of those who, as they were unable to corrupt, were resolved to persecute him to death. His name was Laurence Morissy. Having suffered privation of his parish, and all the cruelties that an Inquisitorial Bishop could inflict on him, he at last made an appeal to the public in the shape of two pamphlets, published in the year 1821-2. His pamphlets were entitled "*A Developement of the Cruel and Dangerous Inquisitorial System of the Court of Rome in Ireland.*" But the false security and apathy of Protestants would not take warning by the faithful testimony of this man. The evidence of one individual, and he smarting under the lash of persecution, whose statements might therefore bear the appearance of revenge, could do little to shake the characters of these Bishops, who were ready to say or swear whatever might conduce to promote the interests of their Church, making, as we have seen, but one distinction between truth and falsehood—namely, which of them would best answer the object of the assertion or the oath.

But this man's testimony, which then sunk into oblivion, is now corroborated by a series of proofs and demonstrations, that leave nothing in the nature of evidence further to be expected or desired. These Bishops now stand confronted by their own Statutes, Directories, Conferences, Standards, Canons, and Decretals, in an array from which they shrink, silenced and confounded. The truth of poor Morissy's statements is illustrated by the most irrefragable corroboration, and some extracts from his work, supply an admirable preface to the iniquitous Bulls, which are now to be brought forward as set up by these Papal Bishops, for the law that is to govern the Priests and the Roman Catholic laity of Ireland.

He gives an account of a conference held in the diocese of Ossory, in the year 1815, in which we have some of the questions proposed by the Bishop as follows:—

"The first meeting of the clergy on this occasion was held at Knocktopher, county of Kilkenny, on the 8th of May, 1815. At this conference he told them, that such of the beneficed clergy as did not make a profession of faith,

(in which are included the oath and tenets already described), within two months after their promotion, could be deprived of their parochial dues, according to the present mode of Ecclesiastical legislation, and especially after getting this warning, they were bound to appear before his lordship, and bind themselves, by a solemn oath to become ministers of the Holy Inquisition, as well as of the Holy Gospel.

In these printed conferences he asked his clergy, "*Quænam sit hæresis definitio et divisio? Quænam pænæ contra hæreticos latæ?*" What is the definition and division of heresy? What punishments are enacted against heretics?" If you wish to know the punishments, gentle reader, see the constitutions of Innocent 4th., John 22. Martin 5, &c. as above."—Morissy's *Developement*, &c., Part I. p. 52.

Again, he gives a faithful picture of the fruits of giving to these men the power of carrying their principles into effect, as follows:—

"Let Government grant the Catholic claims, and *they will unsheath the Inquisitorial sword, and unveil the rack and the torture. Let the Government give them unqualified Emancipation, and they will sap the very foundation of the British Constitution.*' Let our Government admit Roman Catholic Bishops into the Imperial House of Parliament, and they will establish the holy Inquisition in the British Empire."—Morissy's *Developement*, Part II. p. 69.

Again, he gives a statement as to the Theology of Peter Dens, the truth of which needs now no illustration.

"A respectable divine, called Dens, wrote the course of Theology; this author is highly recommended by our Bishops and superiors to parish Priests, and all those who have the care of souls and government of the people. This same author was re-printed in Dublin, by a Roman Catholic bookseller, a few years ago, and distributed among the Roman Catholic clergymen throughout Ireland. In his treatise on faith, he explains and inculcates what punishments are and should be inflicted on heretics."—Morissy's *Developement*, Part II. p. 244.

He then gives extracts similar to those laid before the public at Exeter Hall. Finally, he draws a prophetic picture of the consequences of conceding political power to

the Papacy, which is as true and faithful a testimony as ever came from the pen of man.

"Now, as the Inquisitorial laws are general and unqualified, so must the Roman Catholic Emancipation be general and unqualified in the end, viz., the Pope must have the nomination and appointment of Roman Catholic monarchs to these realms. Ireland must be tributary to him again—the Bishops and clergy must be reinstated in their glebes and Church livings—the forfeited estates must be restored to the right owners, and the Established Church must be Roman Catholic! All the heretics in the land must be exterminated, and their properties confiscated, and the nation must be purged from heresy; then, and only then, will Roman Catholics consider themselves fully and unconditionally emancipated. This is what is understood by an unqualified Catholic Emancipation."—*Merissy's Developement, Part II. p. 252.*

We now come to show the truth of poor Merissy's statements, and accordingly in that volume of *Laws*, which these Bishops have set up as a supplement to *Dens*, under the head,

*Immunitas Localis, p. 86.*

We find it laid down, that heretics are accounted among those criminals, whom no sanctity of place, no asylum, even of an altar, is to protect from the ruthless hand of the Bishop and Inquisitor; but that he is to be dragged from thence to their tribunal, and put to the torture, as the proofs of his guilt may be such as to render it necessary to force him to confess. They quote a Bull of Clement XII., "*In Supremo*," enacted only one hundred and four years ago, 1734, in which it is stated, that the criminal may be delivered to the secular judge, "*if proofs sufficient to put him to the torture are to be had.*" They quote the words from the Bull "*Adjectis, indicia ad tradendum reum judici seculari sufficere si talia saltem sint quæ ad torturam valeant.*"

They quote another Bull of a still more recent date of Benedict XIV. "*Officii Nostri*," of the year 1750, only eighty-eight years ago, in which he confirms a Bull of his namesake, Benedict XIII., "*Ex quo divina*," of 1725, in which it is decreed, that when the criminal has been dragged, even from a Popish chapel if he had fled to it for

refuge, the process of his trial is to be regulated by the order of the Bishop, "*if proofs sufficient to put him to the torture can be found*," and they give us the quotation from the Bull, "*Factâ extractione construitur processus de mandato Episcopi, si indicia ad torturam sufficientia repariantur, tunc consignandus est reus judici seculari, &c., p. 87.*"

They conclude with a Bull of still more recent date, Benedict XIV., 1751, just eighty-seven years old, from which they give the following extract:—

"*Hæretici, aut de hæresi suspecti, Judæi post baptismum in Apostasiam lapsi, possunt ab Inquisitoribus extrahi ab ecclesiâ sed vel ante vel post capturam commoneri debet Episcopus. Encycl. ad Inquisit. Elapso proxime, Bull. tom. 3, No. 40.*"—Supplement to Dens, vol. viii. p. 88.

#### THUS TRANSLATED.

"Heretics, or those suspected of heresy, Jews who after baptism have relapsed into apostacy, can be dragged by the Inquisitors out of a Church, but before or after their capture, the Bishop ought to be advised of it."

How far this corroborates Morissy's statement let the fact declare, and how far Protestants in Ireland may expect safety in their own houses, when these Bishops and Priests have their several laws for "guiding the consciences" of the poor people, which direct them to be dragged, even from the asylum of an altar, to be put to torture and to death, let every man of common sense determine for himself.

The Bull here quoted is now presented to the reader.

De extractione Reorum ad Sacræ Inquisitionis Officium spectantium a Locis immunibus, ad quæ forte confugerint.

*Epistola Encyclica ad Inquisitores contra Hæreticam pravitatem deputatos.*

#### BENEDICTUS PAPA XIV.

*Dilecte Fili, Salutem & Apostolicam Benedictionem.*

Elapso proxime Anno 1750, edita a Nobis fuit Apostolica Constitutio, data Idibus Martii, cujus initium est *Officii nostri*, quæque agit de locali Ecclesiarum Immunitate. In ea Nos Decessorum Nostrorum Romanorum

Pontificum Gregorii XIV., Benedicti XIII., & Clementis XII. Constitutionibus inhærentes sublati de medio quibusdam cavillationibus & subterfugiis, quibus earum executio impediabatur, decrevimus, atque statuimus, ut is, qui criminis excepti reus foret, si quando in immunem locum confugeret, extrahi ab eo deberet, quotiescumque indicia ad torturam sufficientia haberentur, quæ delictum comprobarent; utque præterea, extractio non nisi auctoritate Episcopi, & cum interventu Personæ Ecclesiasticæ ab eodem Episcopo deputandæ fieri deberet; ac demum, ut dum Curiae Sæculari traditio fieret, indicendæ censuræ essent, ab eadem incurrendæ, nisi Extractus Ecclesiæ restitueretur, quoties ab eodem in progressu Causæ purgata fuissent indicia, ex quibus ipse patrati delicti reus arguebatur. Quia verò memorati Decessores Nostri decreverant, extractionem a loco immuni non nisi a solis Episcopis, aut a Prælatiis, qui eisdem superiores essent, fieri debere, exclusis inferioribus, licet Ordinariis, ac *Nullius Diæcesis*, & separatim Territorium habentibus, quo in casu extractio ad viciniorem Episcopum devolveretur; idem a Nobis pariter in citata Constitutione Nostra decretum fuit.

§. 1. Hæreseos crimen, ut probè compertum habetis, exceptum crimen est, quique illius est reus, Asylo Ecclesiæ minimè guadet, iis etiam inhærendo, quæ in Constitutione Gregorii XIV., qua Immunitatis localis regula ac norma præscribitur, decreta fuerunt. Cum autem in Congregatione Sanctæ Inquisitionis Feria quinta die 28. Januarii vertentis anni 1751, coram Nobis de more habita; excitatum dubium fuisset, quæ ratio servanda, & qui modus adhibendus esset, quoties reus Hæreseos extrahendus esset ab Ecclesia, ad quam confugisset, ne in carcerem duceretur, sive cum ex vinculis, quibus tenebatur, aut ex triremibus, aliove loco, ad quem relegationis, aut operis faciendi causa damnatus fuerat, fugâ evasisset; Nobis, qui præcedenti anno memoratum Constitutionem condidimus, reservavimus, aut super huiusmodi re pronunciaremus; quod nunc per ea, quæ subjicimus, præstare intendimus.

§. 2. Aut agitur de Hæreseos crimine, quæ præcipua Tribunalis Sancti Officii inspectio est; aut de aliis exceptis criminibus, quæ immunitate non gaudent; aut de aliis criminibus, quæ minime excepta sunt, & quæ immunitate gaudent, sed ideo ad id Tribunal pertinent, quod ab aliquo



ex illis commissa sint, qui, utpote ipsius Tribunalis jurisdictioni subjecti, iudicium illius subire debent.

§. 3. Si de crimine Hæreseos agitur, cùm a Decessore Nostro Joanne XXI., qui XXII., dictus est, in sua Constitutione, cujus initium ; *Ex parte vestra*, in Bullario Romano *Tom I.*, jam decretum fuerit, quod Hæretici, aut de Hæresi suspecti, necnon Judæi, qui, cum ad Catholicam Fidem conversi fuerint, deinde in Apostasiam incidunt, si ad Ecclesiam confugiunt, statim per Inquisitorem ab eadem extrahi debeant ; minimè quidem Nostra mens est, ut prædictæ Constitutioni derogemus, imò eandem observari volumus, eam tamen methodum adhibendo, ac servando, quam modò subjungimus : videlicet, quod Inquisitor, quoties hujusmodi reus ab Ecclesia extrahendus erit, omnem adhibeat curam, ut id majori, qua decet, erga Domum Dei reverentiâ, contingat. Et quoniam fieri omnino nequit, ut ante extractionem, indicia, quæ contra Reum habentur, Episcopo communicentur, cùm Secreti lex id minimè patiatur ; & quoniam, ubi etiam id fieri posset, inutile id prorsus esset, cùm notum sit, Sacrum Inquisitionis Tribunal ad capturam minimè procédere, nisi semiplena delicti probatio præcesserit ; non tamen illud omittat, ut vel ante, vel post capturam, Episcopum de ea certiore faciat, tum propter reverentiam, quæ illius Dignitati debetur, tum ut, quantum fas est, id, quod in Constitutionibus Gregorii, Benedicti, Clementis, ac Nostra decretum est, adimpleatur. Quod etiam ea de causa ita a Nobis decernitur, propterea, quod viderimus, olim in Congregatione Sancti Officii, quæ coram Prædecessore nostro Urbano VIII. *Ferid quinta 10, Junii 1638*, habita fuit, proposito casu, ac discusso dubio : *An Reus de hæresi inquisitus, confugiens ad Ecclesiam, debeat extrahi ab Episcopo, vel Inquisitore : Pontifex, auditis votis respondit, Reum posse extrahi ab Inquisitore, certiorato ante, vel post, Ordinario.*

§. 5. Ubi autem de aliis criminibus exceptis agatur, quæ tamen hæreseos minimè siunt, ac multò magis si de iis agatur, quæ inter excepta non recensentur, etiamsi ad Sacri Tribunalis cognitionem, vel quia ab aliquo ejusdem jurisdictioni subjecto commissæ sint, vel alio quocumque nomine, pertineant ; declaramus, eos, qui casuum minimè exceptorum Rei sunt, Immunitate gaudere debere ; quoties autem casuum exceptorum Rei, qui tamen Hæreseos

Rei non sint, ab Ecclesia extrahi debeant, ea omnia exactè observanda esse, tum quæ in Constitutione Nostra, tum quæ in aliis præcedentibus Constitutionibus decreta sunt, indicia nimirum, quæ ad torturam sufficientia sint, Episcopo communicari debere, cum hic Secreti lex minime impedimento sit ; Præterea extractionem nonnisi auctoritate Episcopi, & cum interventu Personæ Ecclesiasticæ ab eodem deputandæ faciendam esse ; aliaque omnia servanda, quæ in dictis Constitutionibus leguntur.

§. 5. Quæ hactenus dicta fuerunt, eorum etiam respectu servanda sunt, qui ex carceribus, sive ex trireme, sive ex loco eorum relegationis effugiunt, & in Ecclesiæ alicujus, vel loci immunis asylum sese recipiunt ; si enim hi Rei, vel damnati propter Hæreseos crimen sunt, eorum extractio ab Inquisitore facienda erit, ita tamen ut de ea, vel ante, vel post, Episcopus certior fiat ; si verò Rei, aut damnati sint propter aliud delictum exceptum, non autem propter crimen Hæreseos, sive pro alio delicto, quod minime exceptum sit ; quoad primos, extractio fiat Episcopi auctoritate, & Ecclesiastica Persona interveniente, ab eodem Episcopo deputanda ; quoad secundos autem, ii in Asylo, ad quod confugerunt, remanere sinantur, etiamsi ex triremibus cum catenis effugerint, dummodo a prædictarum triremium, aliorumve Justitiæ Ministrorum manibus liberi essent ; nisi forte Episcopus indultum a Sede Apostolica habeat, ut a triremibus fugitivos extrahere ab Ecclesiis possit, cum in hoc casu, ob fugitivum recuperandum, ad eundem recurrere liceat ; vel etiam ad Apostolicam Sedem, si hujusmodi indulto Episcopus careat ; cum ipsa Sancta Sedes in particularibus casibus, quoties id delictum exigat, nequaquam renuat Episcopis auctoritatem impertiri eos ab Ecclesiis extrahendi, qui è carceribus ac triremibus effugerint, licèt criminis excepti minimè Rei sint. Hæc Inquisitoribus, quæ significaremus, habuimus, atque interim illorum singulis Apostolicam Benedictionem impertimur.

Datum Romæ apud Sanctum Mariam Majorem die 20, Februarii, 1751, Pontificatus Nostri Anno Undecimo.

The Bull quoted in the third section of this Encyclical epistle, bearing date in the year 1316, as found in the first volume of the Bullarium Romanum, is as follows :—

Hæretici, vel de hæresi suspecti, & Judæi ad fidem Catholicam conversi, ab eaque apostatantes, ad Ecclesiam confugientes, ejus non gaudent immunitate.

*Circa ejusmodi immunitatis privilegii, attende constitutionem editum à Greg. XIV. num. 7. "Cum alias," ubi notabo. Tom. 2.*

## JOANNES PAPA XXII.

*Inquisitoribus hæreticæ pravitatis per Regnum Franciæ constitutis.*

Ex parte vestra fuit nuper propositum coram nobis, quod nonnulli de hæretica pravitate culpabiles, vel suspecti, aut accusati, seu conversi de Judaica cæcitate ad fidem Catholicam, postmodum apostatantes ab ipsa ad Ecclesias confugiant, non ad salutis remedium, sed ut vestras manus effugiant, & suorum scelerum vitent judicium ultionis; super quo Apostolicæ Sedis providentiam humiliter implorastis.

§. 1. Nos igitur ad extirpandos orthodoxæ fidei inimicos, & herbam tam noxiam pestiferam de horto Dominico radicibus evellendam, sollicitis studiis intendentes, discretionis vestræ ad instar fœd. nec. Martini Papæ Quarti prædecessoris nostri, qui per Apostolicas literas Inquisitoribus hæreticæ pravitatis per Regnum Franciæ constitutis idem mandavit; per Apostolica scripta mandamus, quatenus contra illos, quos de hujusmodi hæretica pravitate fore culpabiles, vel de illa notabiliter suspectos esse vobis constiterit, accusatos etiam de labe prædicta, conversos quonque Judæos, & postmodum patenter, vel verisimilibus indiciis apostatantes à fide, juxta qualitatem delicti exequamini libere officii vestri debitum, ac si ad Ecclesias, & loca prædicta minime confugissent: contradictores per censuram Ecclesiasticam, appellatione postposita compescendo.

§. 2. Et ut nullum in hac parte possit obstaculum vobis poni, Venerabilibus Fratribus nostris Archiepiscopis, & Episcopis, per Regnum Franciæ constitutis, per has nostras literas injungimus, ut vos non impediant, quominus hujusmodi mandatum nostrum implere libere valeatis, sed potius ad requisitionem vestram in iis vobis assistant, sicut, extiterit opportunum.

Dat. Avenione Idibus Augusti, Anno primo.

Such are the Bulls, the atrocity of which was not even suspected by Protestants, now put in force by these Romish Bishops, in this once free and peaceful Empire. They cannot as yet be put openly into operation ; the Inquisition cannot be set up as it was in Spain, but herein consists the true nature and object of the principles of this hateful and accursed system of tyranny and treason. That where they cannot exercise their power directly, or where the Pope has not a direct temporal authority so as to govern the state ; there they use what they call the indirect authority of the Pope, that is this, they secretly foment and stir up and keep alive such a spirit of resistance to the heretical government as far as it can be ventured on, and at all events, such a state of general insubordination and hatred to Protestant authority, where they cannot make open opposition, that they keep the population by means of the secret instructions of the confessional ever dissatisfied, ever restless, ever on the watch, ever ready to harass, break down, and finally subvert the government of the state, till they get the Papacy established in its stead. Hence, Dens is the secret standard set up by these Bishops for the Priests, "*to direct the consciences of the people ;*" and hence, as soon as they obtained political power, they set up, in addition to Dens, these laws, these Papal Bulls and Canons, not as yet being able openly to put them in force, but as bringing the whole weight and power of Ecclesiastical authority to bear upon the Priests, and to teach them, and oblige them thus to act with energy under the full power of the Pope upon the people, so as to bring the country to that pass that it shall throw off, as they confidently expect and intend, the heretical government of England. Then the publication of these laws will be asserted, and appealed to as having manifestly set up the Papal government in the nation, and the popular principle of a people choosing their own government is encouraged, because the wretched population of Ireland having no choice, must be wielded at the dictation of the Priesthood, and so Ireland becomes a state dependant on, and tributary to the See of Rome ; then the secular and spiritual powers act in unison—then their infernal laws of tyranny and torture are put in force to keep down heresy and rebellion against the Pope—then those prisons and dungeons, which they are at this moment building, and have built under their chapels

and public edifices are brought into operation, and again this agency of anti-Christian cruelty and crime is permitted by God to punish the guilty apathy, and indolence, and folly, and wickedness of Protestants, who triumphed so long in the imaginary security of British laws, and left the Papacy without faithful determinate opposition by the word and power of truth, to grow and spread for the dishonour of God and the destruction of the souls of men.

How far the wretched Roman Catholic population of Ireland are bowed down under the domination of this apostate anti-social, anti-Christian despotism—how far they are compelled to submit to its dictation, and how far all the terrors of the eternal world are brought to bear upon their ignorance, their fears and their consciences, in enforcing the temporal power of the Pope, the next Bull which these Bishops have revived will abundantly exemplify.

THE PAPAL BULL  
FOR ENSLAVING THE WHOLE  
ROMAN CATHOLIC POPULATION,  
AND  
COMPELLING THEM TO SUBMIT TO THE TEMPO-  
RAL POWER OF THE POPE.  
SET UP BY  
THE ROMISH BISHOPS OF LEINSTER,  
A. D. 1832.

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Of all the subjects which engrossed the attention of British statesmen, previous to the concession of political power to the Papacy, none occupied, naturally and justly, a more prominent place than that of THE TEMPORAL POWER OF THE POPE. It was considered, and most wisely, that if the Pope could exercise temporal authority over the subjects of the British Sovereign, then, those subjects must be bound to serve two masters; and that the Sovereign of these realms might complain with Henry VIII., that his subjects were in effect but half subjects, giving but a part of their allegiance to him, and the rest to a foreign tyrant.

But infinite wisdom has long since settled the principle of this question, by laying it down that "*No man can serve two masters, for either he will hate the one and love the other, or else he will hold to the one and despise the other ;*"

and there never was a case on earth in which this principle was more fully exemplified. Henry VIII. was ignorant both of the fact and of the human heart, when he called these men half his subjects, for they were not so. The Popish Hierarchy are whole and entire subjects of the Pope, and whole and entire traitors to their Protestant Sovereign. The laity are but the tools and puppets of the Hierarchy; what they lead the people to do, or to be, or to seem, under the continual operation of their continually exercised authority, that the laity must be. The secret principles of the Bishops and Priests they do not convey in full operation, or effect to the people. They administer stimulants or sedatives—they apply caustics or emollients, just as the policy of the Pope, and College de Propaganda Fide, may determine to be suitable for the advance of the power of the Papacy. If smooth professions and potent perjury to lull the fears of the government are needful, then professions and perjury are ready for the occasion, as the evidence adduced in these pages abundantly testifies. But if the time of putting forth the power of the Pope has come—if the prospects of insurrectionary, or revolutionary movement, of rebellion, of persecution, of slaughter and confiscation have opened before them, then another game is to be played—then the laws of Papal treason are to be introduced and put into operation, till the moment shall arrive to throw off the mask and strike the blow. Hence, the laws of the Protestant government must be suspended in their operation, and the laws of Papal tyranny brought to bear through the agency of those delegated instruments of treason, the Priests, on the consciences of the unfortunate people; thus the indirect authority, as they call it, of their Italian master, shall make way for the advance of his direct power over the nation, as they say, applying their favourite text to the Pope, “*See, I have this day set thee over the nations, and over the kingdoms to root out, and to pull down, and to destroy, and to throw down, to build and to plant.*” Jerem. i. 10. (See the Bull *Unam Sanctam*.)

Let the reader mark how thoroughly this is exemplified in the evidence of these Popish Bishops, denying and abjuring the temporal power of the Pope, when it was their interest to say and swear on the subject, and then, when they had reaped the fruits of their perjury, setting up

secretly, but most effectually, by all the power of their spiritual authority, the Papal law, which shall next be presented to his view ; and which is in fact a complete suspension of the laws of the British constitution, and an authoritative establishment of the laws of the Papacy over the poor Roman Catholic population of Ireland.

Let us now mark the evidence of these Romish Bishops, Dr. Murray, and Dr. Doyle, and Dr. Curtis, on the temporal power of the Pope.

Dr. Doyle's evidence before House of Lords, 21st March, 1825, on the temporal power of the Pope.—Report, p. 384.

“ How do you distinguish in all cases between the spiritual and a temporal interference ? ”

“ I do not think it is very difficult for us at present ; because those things that are of a spiritual or religious nature obviously regard the Articles of our Creed, as they are found in our profession of faith, or those moral actions of ours which might or might not be contrary to the commands of God. The temporal matters are either exclusively of a civil or temporal kind, or they are of a mixed kind. With regard to those of a civil or temporal kind, such as the old Bulls of the Pope regarding the rights of princes and such things ; those are quite obviously not to be classed with things of a religious or spiritual nature.”

Here we see what a satisfactory distinction is drawn between the temporal and spiritual power of the Pope. Again, we have further evidence of this Prelate.—See Report Lords Committee, p. 503.

Pope Gregory XIII. sent a Bull to Ireland, exhorting the Irish to take up arms against Queen Elizabeth. “ Was such an act justified by any power ascribed by the Church to the Pope of Rome ? ”

“ No. The Church has uniformly for nine centuries, by her Popes themselves, by her practice, and by her doctrines, and by her academies maintained that the Popes have no right whatever to interfere with the temporal sovereignties or rights of Kings or Princes ; and if there have been flatterers of the court of Rome who maintained



that the Pope had that right to interfere, it is hard to make us responsible for their opinions; whereas both as individuals and as a nation we have disregarded this doctrine, and always opposed with our lives and fortunes those Bulls when they were sent amongst us; nor can it be charged to the account of our country that we ever attended to Bulls, which went in any way to affect the rights of our Kings, to whom we have been most devotedly attached at all times. We do then reject that doctrine, as not supported by, or as opposed to the Scriptures, and to the tradition of our Fathers, and to many authorities of the Italian Church itself, of the German Church, of the French Church, of the English Church, and of the Spanish Church, as resting on no foundation but the unauthorized proceedings of Popes and their Italian flatterers, and we ought not to be charged with it."

How satisfactory must this evidence have appeared to the Committee of the House of Lords! How impossible for their lordships to have imagined that there was not one syllable of truth in it, but that it was a mere imposture on their credulity, as the sequel will evince! But we shall now turn to Dr. Murray's evidence before the Committee of the Lords, and see how he was prepared to swear on the occasion. He was asked—(see Report, p. 424, of March 24, 1825.)

"To what points are the communications between the Catholic Church in Ireland and the Church of Rome confined?"

"To spiritual cases, Ecclesiastical cases solely.

"What do you mean by spiritual cases?"

"Cases regarding the sanctification of souls; those cases are sometimes mixed as in the cases of marriage; as marriage is with us a sacrament, the See of Rome interferes, inasmuch as it is a spiritual thing; but that does not interfere with the temporal effects."

"Do you know no single instance of any communication from the Church of Rome to the Catholics in Ireland, having reference to temporal concerns?"

"I am not aware of any. I beg to correct what I have said. I do recollect in one instance; some person, an under agent perhaps, wished to sound some individuals in

Ireland, whether or not the Catholics would wish to lend a sum of money on a mortgage of part of the Papal states ; and he was answered that of course such an attempt would not be made. That is the only instance in which I ever heard of any interference."

The Doctor's care for "*the sanctification of souls*" took rather a more extended range than their Lordships were then aware of ; they little dreamt how necessary the removal of the heretical pestilence was for the promotion of the spiritual benefit of the faithful ; and how sedulously Dr. Murray was disseminating, in conjunction with eleven of his Apostolical brothers, at that very time, the Rhemish Notes, as the infallible commentary of the Church, for inculcating the extirpation of heretics ; and that Dens's Theology was the standard of the Priests for directing the consciences of those committed to their charge ; for whom, as the Doctor expresses it in his Statutes, "they are to render an account to God in the day of judgment." He was examined on the same day as to the admission of Papal Bulls into Ireland, as follows—(See Report, p. 425.)

"As the publication of Papal Bulls, and rescripts and letters, is prohibited in other countries, unless sanctioned by the authority of the state, would there be any objection to imposing the same restriction on the Papal Bulls, rescripts, or letters, which are sent to Ireland ?"

"It appears to me the same reason does not exist in Ireland which exists in some foreign states. In those states there are considerable benefices and emoluments, and it is natural the state should be somewhat jealous respecting the communications which may be made with respect to those benefices. That is not the case with us, and that is a matter that we are not at liberty to interfere with ; it appears to be a matter that might be the subject of an agreement between any government and the Pope."

"Spiritual objection, you see none ?"

"Except where conscientious matters are concerned, that it would not be right should meet other eyes than those who were by authority fit to see them."

Nor were these Bishops more liberal in their opinions

and oaths in detail, than in the abstract blessings they promised as flowing from Emancipation.

Let the reader consider the following extract, from the examinations of Dr. Murray and Dr. Doyle on this subject :—

Dr. Murray swears before the Lords' Committee, as follows—(See Report, p. 430.)

He is asked—

“ What do you conceive would be the effect on the minds of the people of Ireland, both the clergy and laity, produced by the removal of the civil disabilities under which the laity now labour ?”

“ I think there would be one universal feeling of gratitude and attachment to the state.”

“ Do you think that feeling would be universal amongst all ranks ?”

“ I have no reason to doubt it.”

“ Do you think the present disabilities are felt by the lowest as well as by the highest ranks ?”

“ Certainly I do; and perhaps the lowest class feel those things most acutely: perhaps, they attribute more value to the thing they are deprived of than it really deserves.”

“ Would there be any hesitation, upon the part of the members of the Roman Catholic Church of Ireland, collectively and individually, to resist the interference of any foreign temporal power whatever, with the internal concerns of the country, if opposed to the existing government ?”

“ At least our religion teaches that we ought to do that; and all under the influence of religion would certainly do it.”

“ And that, without reference to any authority from the Pope ?”

“ Without reference to any authority whatever from the Pope.”

Such was the smooth oath of Dr. Murray. Nor was he left in the distance by the professions and oaths of Dr. Doyle. He swears, upon being interrogated, as follows—(See Report, Lords' Committee, p. 400.)

“What particular or general benefit would in your opinion be produced in Ireland by the admission of the Catholics to equal rights and privileges?”

“I think that the general benefits produced by it would be incalculable. I am quite confident it would put an end to those religious heats and animosities which now prevail so generally. I am also of opinion it would tranquillize the public mind effectually, and make us all sit down quietly to promote our local and general interests. I also think that the country being thus intent on its internal improvement, the capitalists of England would find it their interest to go amongst us, and to employ, for their own advantage as well as ours, their capital, and skill, and industry, upon those vast resources with which Ireland abounds. It is in that way I think our general interests would be promoted by it. As to the particular interests to be promoted by it, I should think in a vast community like ours, abounding with talent, and now becoming well educated, many individuals would show themselves deserving of attention, and acquire those situations, from which profit and honours would, be acquired to themselves and their families; and if only one individual of the community had this prospect before him, that would cause all others in his neighbourhood to look up to the state, and to labour with the government for the public good. In fact, I think it would knit together, and effectually secure the affections of the multitude as well as of individuals, and make us one people immediately, and I hope in a few years a very happy and prosperous people. Those are my views, such as I entertain them in the presence of God and your lordships; and I may add, that I think prosperity and tranquillity will never prevail in Ireland while the present political differences, arising from religion, are suffered to prevail.

“Is the admission of the Catholic community to equal rights anxiously desired by the Catholic Priesthood?”

“Most anxiously. In fact, our situation is one of extreme difficulty; one in which we are endeavouring to conciliate the upper orders, and to keep quiet the feelings of the lower orders. In this restless state in which our society is at present, we feel considerable difficulty and pain; and we hope that if our claims, were settled by an amicable adjustment, we could go on without being

obliged to interfere in political matters; that the country would be at last relieved from the extreme poverty which is now so afflicting, and our own condition improved thereby. It is impossible to estimate the state of anxiety in which we live, arising unquestionably from the state of the laws."

When we think of the confederated iniquity of these men in the use they made of their privileges, from the concessions of which they promised such blessings to the nation. It is almost impossible to reflect on their evidence, and their subsequent conduct, without shuddering at the contemplation of that maturity of treachery and falsehood, to which it is possible to train the human conscience. He who has depicted the system in his eternal word, describes the "speaking lies in hypocrisy, and having the conscience seared with a hot iron," as its characteristic marks and evidences. But as this equally applies to all the parts of this work, we must particularly point out their further testimony, as to denying the temporal power of the Pope; and as the Bull about to be presented to the reader, not only enforces that temporal power, but enforces it especially under the weight of the whole Papal spiritual authority, it will be very important to give extracts from their evidence as to the nature of that authority; and first, we shall see Dr. Doyle's evidence, as to the nature of the sentence of excommunication.

He states before the Lords' Committee—See Report, p. 504, as follows:

"How many sorts of excommunication are there?"

"The greater and the lesser.

"What is the consequence of the lesser?"

"That the person who incurs the lesser excommunication cannot receive, during the time he is subject to it, sacraments. It is a censure so light as scarcely to be known, and in use scarcely ever incurred; because to incur any censure, a knowledge of the law is necessary, and the people generally do not know by what acts they would incur the lesser excommunication, so that it is a matter of little or no moment; but the greater excommunication is the most awful censure the Church can inflict.

“ What are its particular consequences ?

“ They are expressed in those words, ‘ Os, orare, vale, communicio, mensa negatur.’ These words express the cases in which a faithful person is not allowed to hold communion with a person who happens to be excommunicated, unless one of the following reasons entitle him to hold such communication. These are as follows:—‘ Utile, lex, humile, res ignorata, necesse.’ If any one of the conditions implied in those words exist on the part of any one, or any number of persons, such individual or such number of persons, are entitled thereby to hold communion with the person excommunicated.

“ Does not this greater excommunication affect the temporal situation and rights of the parties excommunicated ?

“ Certainly it does, as may be understood by the effects as described by me in the verse or words I have first here quoted.”

Page 506.

“ For what sort of crimes is the greater excommunication pronounced ?

“ There are several enumerated in the law : malicious house burnings is one on account of which the greater excommunication may be actually incurred, or the Prelate is entitled to inflict it on a person guilty of that crime ; wilful and deliberate murder is another for which the Bishop is entitled for that to excommunicate ; the omission of going to the Holy Communion at least once in the year, being an implied contempt of religion, and a dereliction of duty so gross, that the Bishop is entitled for that to excommunicate, and he is entitled also to excommunicate an individual, living in a state of public and notorious adultery, as also a wilful and notorious blasphemer. I have now stated to your lordships all the cases which occur to my mind at present, wherein a Bishop is entitled to excommunicate ; for the cases where a person is excommunicated by the law, as we say, ipso facto, are extremely rare, and that excommunication requires so many conditions in order that it be incurred, as that no person, morally speaking, now, unless clergymen whose profession makes them acquainted with those kind of things, does incur it.

“What order of the Roman Catholic Church have the power of inflicting this excommunication?”

The Bishops alone, or a person deputed or delegated by them.”

Again, in page 507.

“If any excommunication were issued from Rome, would that have any effect in Ireland?”

“Not until it was published in Ireland.

“By whom would it be published?”

“It would be directed to some individual here, and that individual is the person who would be supposed to publish it; and as I could delegate the authority of excommunicating to any clergyman who had received the clerical tonsure, so the Pope, if he wished to excommunicate any individual in this country, could delegate his authority to do so to any clergyman in the country.

“Any clergyman of any degree, not confined to a Bishop?”

“Yes, if it were a censure on any individual, and did not trench upon the right of the Bishop; but that never is done; and there is no case that ever came to my knowledge, in reading Canon law or Church history, where the Pope passed by the authority of the ordinary in such cases, I should except the cases where the attempt was made to excommunicate Princes or Kings.”

As this evidence shall be summarily reviewed in reference to the Bull which is next to be presented to the reader, we shall now pass on from Dr. Doyle to the evidence of Dr. Murray.

When this Prelate was examined before the Committee of the House of Commons, May 17, 1825 he gave the following testimony—(See Report, p. 581.)

“What alternative would remain to a Roman Catholic who happened to be ever unjustly excommunicated but to renounce the Catholic church, or submit to what was required by the Pope; and might not this difficulty in which he might be placed be injurious to this country in time of war, or in time of disturbance?”

“If the excommunication were known to be unjust, he would of course disregard it, if it was of a doubtful nature he possibly might, to avoid scandal, hold himself as ex-

communicated ; that is, he would not receive externally the sacraments of the Catholic Church until the doubt should be removed, but no excommunication, no dread, no inducement, that could be held out by the Pope or any other should prevail on him to do wrong, nor of course to transgress the allegiance he owes to his sovereign. He would not therefore renounce his religion, but in resisting such an excommunication, he would act conformably to the principles of his religion, which teach him that he owes undivided allegiance to the sovereign of the realm in which he lives, and where protection is afforded to him.

“ Does the Roman Catholic consider that each individual is a judge of the justice of the excommunication which may be sent to him ?

“ Certainly if it regard a matter already decided—*In matters of doubt he has recourse to his spiritual guides—to his bishop and pastor. If an excommunication came from the Pope against any one who would not assist him in acquiring temporal dominion within these realms, every bishop and every priest in the country would feel it a duty to resist that mandate, and to teach their flocks that they are bound to resist it.*

“ Does not excommunication occasionally go from the bishop ?

“ Very often ; always in this country ?

“ In those cases is there any latitude of judgment in the individual whether he shall conform to that sentence or not ?

“ Certainly in matters of doubt he will consult his pastor, and that pastor will consult others.

“ Do you think that in a case in which excommunication had been issued by the bishop against an individual, and that individual was to apply to the pastor ; generally speaking, the pastor would advise the individual to resist the excommunication of the bishop ?

“ I think that if the excommunication were unjust he would advise him to do so, and also to apply to the superior of the bishop to have it reversed.”

Now having seen the evidence of these two Romish prelates before the Lords, on the temporal power of the Pope,—and having seen their evidence before the committees of both Houses, on the nature of the sentence of excommunication,—let us see their evidence before the com-



mittee of the House of Commons, on the same subject—the temporal power of the Pope ; and this will exhibit in full relief the confederated iniquity of these men, and the confidence to be reposed in the oaths and the loyalty of bishops of the Church of Rome.

Dr. Doyle is asked in Committee, March 18, 1826, (see Report, p. 190),

“ In what, and how far, does the Roman Catholic profess to obey the Pope ?

“ The Catholic professes to obey the Pope in matters which regard his religious faith, and in those matters of ecclesiastical discipline which have already been defined by the competent authorities.

“ Does this obedience detract from what is due by the Catholic to the State ?

“ Not in the slightest degree. On the contrary, as the laws of God, which the Pope does enforce amongst Catholics, ordains that we should pay obedience to the existing government of the country where we dwell, so the obedience we owe the Pope only tends to confirm us in our allegiance to such government.

“ Does that justify the objection that is made to Catholics, that their allegiance is divided ?

“ I do not think it does in any way : we are bound to obey the Pope in those things that I have already mentioned ; but our obedience to the law, and the allegiance which we owe the sovereign are complete, and full, and perfect, and undivided, inasmuch as they extend to all political, legal, and civil rights of the king, or of his subjects. I think the allegiance due to the king, and that due to the Pope, are as distinct and as divided in their nature as any two things can possibly be.

“ Is the claim that some Popes have set up to temporal authority, opposed to Scripture and Tradition ?

“ In my opinion, it is opposed to both.

“ What is your opinion respecting the conduct of those Popes who have interfered with states, and extended their pretensions to the civil business of men ?

“ I do not like to speak harshly of men who have already passed out of this world ; but I think that the Popes who so acted, have done much mischief, and very often have acted upon a power or upon an authority which they had no right to exercise. However, when Popes did in-

terfere with the civil business of men, or with the temporal rights of princes, I find that in almost every instance, in which such interference occurred, that they professed to act upon rights, which they had acquired by compact or cession, or some act upon the part of those sovereigns, or those countries, with which they so interfered; and I do not find that that interference was grounded in almost any case upon their spiritual authority only.

“Are those rights you allude to temporal rights?”

“The rights to which I allude are temporal rights which were acquired by the Popes from time to time, chiefly during the feudal times.

“Do you mean by princes transferring their kingdoms, or parts of their kingdoms?”

“Yes, by kings making their states tributary to the holy see, or resigning them into the hands of the Pope, and then accepting them back again, as fiefs of the holy see; thus the Pope was considered by them as the Lord paramount of the kingdom, or dukedom or principality; and he, acting upon this supposed right thus acquired, sometimes attempted to depose the princes or to absolve the vassals of such kingdoms from the allegiance which they owed to their immediate lord.

“Were those claims of the Popes opposed in Europe?”

“Opposed they were; and the consequence of such opposition were many and very bloody wars; the kings of France contended against the Popes, the emperors properly so called, I cannot call them emperors of Germany, for they were the sovereigns of the Roman empire, contended with the Popes; the kings of Naples have had, from time immemorial, disputes upon those grounds with the popes; and there was scarcely a Catholic sovereign in Europe, who at one time or other, did not contend with his contemporary Pope, upon this very ground.

“Did every Pope justify his claim to temporal interference upon some previous right conferred upon him by a prince of some European country?”

“As far as I am acquainted with the history of such claims, put forward by the Popes, they rested them upon such temporal rights, previously acquired by themselves or their predecessors with the single exception of, I think, Boniface the 8th; and he in a contest, as I recollect, with some king of France, includes in a brief which he issued,

a declaration that he did so by an authority vested in him from above. The terms of this declaration were vague and general, and seemed to me when I read it to imply, that it was not in virtue of the temporal authority he had acquired but in virtue of his spiritual authority, that he attempted to act as he then did. This is the only instance of the kind which has occurred to me in my reading.

“ Does the Pope at present dispose in any way of temporal affairs within the kingdoms of any princes on the continent ?

“ The Pope at present does not interfere, or attempt to interfere with the temporal concerns of any kingdom in Europe ; to this, perhaps, there is an exception with regard to the kingdom of Naples ; but I believe a concordat has been entered into in the time of the late Pope between the then government of Naples, and the Pope's minister, Cardinal Gonsalvi, wherein the ancient claim or claims of the Roman See to the kingdom of Naples as a fief, were laid aside, and some equivalent for it accepted. It was customary for the king of Naples as a mark of his holding that kingdom as a fief of the Holy See, to send amongst other things a white poney or palfrey once a year to Rome. Whether that custom is still continued, I cannot say ; but I know an arrangement has been entered into which has settled differences which subsisted very long, and troubled both courts very much. Let me repeat, that the case of Naples is the only one in which the Popes of Rome have for the last three centuries nearly interfered in any way, directly or indirectly, with the temporal concerns of any state in Europe, and I add that if they were to attempt so to interfere at present, the interference would not only be disregarded, but scoffed at by every person of sense.

“ Do the Catholic clergy insist that all the Bulls of the Pope are entitled to obedience ?

“ By no means. The Pope we consider as the executive authority in the Catholic Church ; and when he issues a Bull enforcing a discipline already settled by a general council such Bull is entitled to respect, but he may issue Bulls which would regard local discipline or other matters not already defined, and in that case his Bull would be treated by us in such a manner as it might seem good to us. For instance, did it trench upon our local discipline, we

might treat it as we did that rescript of Quarantotti, about which I was questioned here the other day; did we find that it was unreasonable we would refuse to accept of it. I have already spoken of his authority in matters of a purely spiritual nature.

“ In the Creed of Pope Pius the 4th, there are the following words, ‘ I promise and swear obedience to the Roman bishop, the successor of St. Peter,’ what is the proper meaning of those words ?

“ Of course that we would obey him in those things to which his authority extends, namely, spiritual matters, or the execution of decrees regularly defined by general councils, and accepted of by us, for they are not all the decrees of even general councils which are received in each kingdom, for instance the decrees of the Council of Trent regarding discipline are not received in the kingdom of France. The decree of the Council of Trent regarding a particular discipline is not received in the province of Dublin, in Leinster, though it is received in the other parts of Ireland. All the decrees, then, even of general councils, much less all the decrees of the Pope, cannot have force unless they are received formally by the nation which they regard, or whose discipline is affected by them, each church has its rights, and those rights cannot be subverted or affected by any proceeding on the part of the Pope without the concurrence of the Hierarchy of such church.

*“ If the Pope were to intermeddle with the rights of the king, or with the allegiance which Catholics owe to the king what would be the consequence so far as the Catholic clergy were concerned ?*

*“ The consequence would be that we should oppose him by every means in our power even by the exercise of our spiritual authority.”*

Again he was asked, Report, page 219,

“ There were very strict laws enforced previously to the Reformation, with respect to the admission of documents into this country, from the See of Rome ?

“ What I said before I should think is the same, that I would be disposed to say again; namely, that with regard to communications from Rome, as far as I am personally concerned, I really cannot see what objection I could have or ought to have to any restriction of any kind whatsoever

that might be imposed upon them, provided they were permitted to come into my hands, and I might see the purport of them. I was going to observe that at that time such restrictions were exceedingly necessary, as the Popes at that period pretended to have in the country rights and privileges which are now utterly abolished, and never can be revived; on that account it was very necessary that his correspondence with this country should be carefully watched and an interference with the rights of the country and the rights of the crown strictly guarded against, but at present when no such right on the part of the Pope is pretended to; such laws as then existed cannot be thought necessary, but if they were thought necessary, I could not have any objection to them.

“When were those powers formally disavowed by the Pope?”

“I do not know that they were ever formally disavowed by the Pope, nor do I suppose that they have been, nor was it necessary they should, because they have long since gone into disuse, and other laws have been enacted in the church which supposed their total abolition.

“Where can the Committee find the laws which now define the powers or pretensions of the See of Rome with respect to foreign countries?”

“We can best find them in the usages of the different churches in Europe and we are not bound to recognise any of those ancient laws which at all affected temporal rights.”

We shall now pass from Dr. Doyle to Dr. Curtis.

Evidence of the Most Reverend Patrick Curtis, D. D. Titular Archbishop of Armagh, March 22, 1825. See Report, p. 222.

“Is the claim which the Popes set up to temporal authority opposed to Scripture and Tradition?”

“I do not think it is very conformable to it. I do not say exactly that it was opposed to it, but certainly he has received no such power from Christ. I do not say but he received it from men, the same as he received the kingdom he has now, or at least the Dukedom, the Papal territory; whatever he had, or has of temporal power or authority he received from men; and, I believe would have done better not to take it, he became a great deal less in-

fluent man, as a spiritual chief, after receiving it, than before.

Does the obedience that Catholics owe to the Pope detract from what is due by them to the state under which they live?

"By no means, we owe him no other than a spiritual authority, exercised according to the canons of the church, not arbitrarily but according to the canons of the church, but we owe him no temporal obedience whatsoever.

"Does the nature of the obedience that Catholics owe to the Pope justify the objection, that their allegiance is divided to the states they live under?

"By no means. We never profess any allegiance to the Pope; we take an oath at our consecration, of fidelity, as it is called; what we mean to do is, to promise to him canonical obedience, as so does the priest to his bishop, and the bishop to his archbishop, but in a more limited degree.

"Is the duty that Catholics owe to the Pope, and their duty to their king, really and substantially distinct?

"Entirely distinct, and regarding different subjects totally, they never ought to be confounded."

We now take leave of Dr. Curtis, and proceed to the evidence of Dr. Murray.

Evidence of the Most Reverend Dr. Murray, March 22, 1825. See Report, p. 223.

"How many years have you been Roman Catholic Archbishop of Dublin?

"Since the decease of my predecessor, on the 11th of May, 1823.

"Were you coadjutor to the late Dr. Troy?

"I was.

"How many years?

"Since the year 1809.

"Will you be so good as to explain to the Committee, what is the nature and origin of the authority of the Pope?

"The origin of the authority of the Pope we hold to be from God, who established a head of the church which he wished to appoint on earth, the nature of his authority, is, that he is the executive power of that church, his office is to watch over and enforce the observance of the canons; he is besides the centre of Catholic unity, the great link

that holds together all the different parts of the Catholic body, so that each Catholic throughout the world, finding himself in communion with the head of the church, may know thereby that he is in communion with the whole body.

“Is his authority confined altogether to a spiritual authority ?

“Wholly confined to a spiritual authority according to the words of our Saviour, “My kingdom is not of this world.”

“Is that authority under the controul of General Councils ?

“That authority is limited by the councils and canons of the church ; he is the executive power of the church, appointed to preside over it, and enforce its canons or laws. Those canons vest in individuals, for instance, in bishops, certain rights which of course it is the duty of the Pope to protect and not to violate, his authority is thus limited by those canons.

“To what extent, and in what manner, does a Catholic profess to obey the Pope ?

“Solely in spiritual matters, or in such mixed matters as came under his government, such as marriage for instance, which we hold to be a sacrament as well as a civil contract ; as it is a sacrament it is a spiritual thing, and comes under the jurisdiction of the Pope ; of course, he has authority over that spiritual part of it ; but this authority does not affect the civil rights of the individuals contracting.

“Does this obedience detract from what is due by a Catholic to the state under which he lives ?

“Not in the least ; the powers are wholly distinct.

“Does it justify an objection that is made to Catholics, that their allegiance is divided ?

“Their allegiance in civil matters is completely undivided.

“Is the duty which the Catholic owes to the Pope, and the duty which he owes to the king, really and substantially distinct ?

“Wholly distinct.

“How far is the claim that some Popes have set up to temporal authority, opposed to Scripture and Tradition ?

“As far as it may have been exercised as coming from a

right granted to him by God, it appears to me to be contrary to Scripture and tradition; but as far as it may have been exercised in consequence of a right conferred on him by the different Christian powers, who looked up to him at one time as the great parent of Christendom, who appointed him as the arbitrator of their concerns, many of whom submitted their kingdoms to him, and laid them at his feet, consenting to receive them back from him as fiefs, the case is different. The power that he exercised under that authority, of course, passed away, when those temporal princes, who granted it, chose to withdraw it. His spiritual power does not allow him to dethrone kings, or to absolve those subjects from the allegiance due to them, and any attempt of that kind I would consider contrary to Scripture and tradition.

"Does the Pope now dispose of temporal affairs within the kingdoms of any of the princes of the Continent?"

"Not that I am aware of. I am sure he does not."

"Do the Catholic clergy admit that all the bulls of the Pope are entitled to obedience?"

"They are entitled to a certain degree of reverence; if not contrary to our usages, or contrary to the law of God, of course they are entitled to obedience as coming from a superior. We owe obedience to a parent, we owe obedience to the king, we owe it to the law, but if a parent, the king, or the law, were to order us to do any thing that is wrong, we would deem it our duty to say, as the apostle did on another occasion, 'we ought to obey God rather than men.'"

"Are there circumstances under which the Catholic clergy would not obey a bull of the Pope?"

"Most certainly."

"What is the true meaning of the following words in the creed of Pope Pius the 4th, 'I promise to swear true obedience to the Roman bishop, the successor of Saint Peter?'"

"Canonical obedience in the manner I have just described within the sphere of his own authority."

"What do the principles of the Catholic religion teach in respect to the performances of civil duties?"

"They teach that the performance of civil duties is a conscientious obligation which the law of God imposes on us."



Now let the reader calmly contrast the evidence of these men with the real principles of their religion, and with their own subsequent conduct.

It would enlarge this work too much to make extracts from the standard authorities of Maynooth to prove that while they were swearing thus, they held the right and power of the Pope to interfere by his indirect influence with the Romish subjects of all states over which he has not direct authority. Thomas Aquinas, Bellarmine, Reiffenstuel, Devoti, to say nothing of their long-established standard, Dens, and many others, all exhibit unanswerable evidence on this, but as facts speak a thousand times more than mere principles, we must compare their evidence with their subsequent conduct, and then see how the case stands. Dr. Doyle, when called on before the Committee of the Lords to distinguish between the spiritual and temporal power of the Pope admits that "*with regard to those of a civil or temporal kind such as the old Bulls of the Pope regarding the rights of princes and such things, those are quite obviously not to be classed with things of a religious or spiritual nature.*"

Yet admitting this, he and Dr. Murray, and the other bishops of the province, set up not only these old Bulls and Canons which the reader has seen, but also that which is next to be presented to him, by which the whole temporal authority of the British government is superseded as far as Papal power can supersede it, and the temporal dominion of the Pope set up over the consciences of the unfortunate Roman Catholic population of Ireland, and that, under the most tremendous sanctions that the spiritual authority of the Pope can bring to bear upon them.

The reader will better judge of the facts by seeing the abstract of the Bull which these Papal bishops have set up in this epitome of their laws which they have added to Dens. It is as follows:—

"EXECUTIO PROVISIONUM CURIÆ ROMANÆ.

"In Bulla *Pastoralis Regiminis*, Bull, t. I. n. 47, feriuntur excommunicatione Pontifici Romano reservata, Laici impediētes executionem mandatorum, citationum, aliarumque provisionum Romanæ curiæ; ut illi pariter qui impediētib; hujusmodi auxilium, consilium, vel favorem præstant. Regulares autem et Ecclesiastici suspensionem

ipso facto incurrunt tam ab exercitio ordinum quam officiorum, quæ ambæ censuræ sunt reservatæ Romano Pontifici: notarii vero, sive tabelliones, recusantes facere hujusmodi provisionum et executionum instrumenta publica ad instantiam partis, privantur officio notariatus, atque infames declarantur." Supplement to Dens, p. 74.

Thus translated,

"THE EXECUTION OF THE PROVISIONS OF THE COURT OF  
ROME.

"In the Bull *Pastoralis Regiminis* Bullarium, vol. I. No. 47, Laymen hindering the execution of the mandates, citations, and other provisions of the court of Rome are smitten with excommunication reserved to the Roman Pontiff, as are they also who afford aid, counsel, or favour to persons of this sort who hinder it. But Regulars and Ecclesiastics incur ipso facto suspension as well from the exercise of their orders as their offices, both which censures are reserved to the Roman Pontiff. But notaries or scribes refusing to make the public instruments of provisions and executions of this sort at the instance of the party, are deprived of the office of notary, and declared infamous."

There is no man who will pretend to call this a law concerning spiritual subjects. The Bull itself testifies that it is a Bull relating to the temporal power of the Pope, and let it now be compared with the evidence of Dr. Murray and Dr. Doyle.

Dr. Murray declares on his oath before the Lords' Committee, that the communications between the powers at Rome and that church in Ireland are confined to "*spiritual cases*"—"Ecclesiastical cases solely"—which he explains to be "*cases regarding the sanctification of souls.*" He swears he is not aware in any instance of any communication from Rome to the Roman Catholics in Ireland having reference to temporal concerns except one case of contemptible insignificance which he mentions as if to give a colour to his evidence.

Dr. Doyle swears before the same Committee that "*the Church has uniformly for nine centuries by her Popes themselves, by her practice, by her doctrines and her academies, maintained that the Popes have no right whatever to*

*interfere with the temporal sovereignties, or rights of kings or princes ; and he swears that if there have been flatterers of the Court of Rome, who maintained that the Pope had that right so to interfere, it is hard to make them (the Romish Bishops) responsible for their opinions, for that both as individuals and as a nation they have disregarded this doctrine, and always opposed with their lives and fortunes those Bulls when they were sent among them."*

Such were the oaths by which these men imposed on the credulity of the British parliament, when after the success of this denial of their principles they entered together into their synod, and then appointed this Bull for the application of the whole spiritual power of their Pope, and all the terrors of their Church's denunciations, to enforce that temporal power which they had thus denied upon their oaths.

It is unnecessary to remark on the evidence given so solemnly by both these bishops, of this awful Apostacy as to the tranquillity and peace into which Ireland would subside if their oaths were believed, and their claims granted: (see pp.129,130) while the moment they succeeded in the accomplishment of that object which they had gained by these oaths, they conspired with their brother bishops in their provincial synod, to hatch this system of treacherous, perfidious, seditious, persecuting, exterminating treason ; this revival of the laws of Papal cruelties and crimes, which by their own confession were calculated to "upturn the foundations of society"—to "drench our streets and fields in blood"—to detach the whole Roman Catholic population from allegiance to their sovereign, and to kindle the flames of discord and desolation from one extremity of the nation to another.

But as if it had pleased Divine Providence to bring to light by their means the whole corruption and wickedness of the Papacy, we have their evidence given on the subject of excommunication, that formidable engine by which they enforce these laws upon the unfortunate population of this country.

Dr. Doyle states, that this "*Excommunication is the most awful censure the Church can inflict.*" He gives their technical memorial line in which its effects on the excommunicated are enumerated.

*Os, orare, vale, communicio, mensa negatur.* That is,

that all conversation, prayer, salutation, intercourse, or eating at the same table with them is forbidden. He says it is a sentence pronounced on malicious house-burners, murderers, neglecters of the communion and adulterers. He says, that the authority of pronouncing it is vested in the bishops, but the first on the list of excommunicated persons in their secret statutes are "**HERETICS AND APOSTATES.**"

Dr. Murray's evidence before the committee of the House of Commons, as taken in connection with this Papal law, is of a deep and dark complexion. He states expressly, that "*If an excommunication came from the Pope against any one who would not assist him in acquiring temporal dominion within their realms, every bishop and every priest in the country would feel it a duty to resist that mandate, and to teach their flocks that they were bound to resist it.*"

This is the evidence of this man before the parliament ; yet, what does he do when he attains the object of this evidence and gains political power? He convenes his suffragan bishops, and he enacts his provincial statutes, and he sets up a code of laws to rule the wretched population of Ireland, by which the bishops and priests are made the tools and agents of bringing the people under the domination of the Pope ; and the men, who he swore would be the foremost to resist the crime, are made by his own agency, with himself placed at their head the foremost instruments of its execution.

Let us examine his evidence farther. He is asked, "Does not excommunication occasionally go from the bishop?" He answers, "Very often—always from the bishop in this country."

Now what is the power which he sets up to compel the obedience of the people to the temporal commands of the Pope?

It is this very engine—this very excommunication—this very sentence, worse than the sentence of death to the poor Roman Catholics that really believe in the pretended power of the Church which he himself issues, which he himself executes, and by which he himself compels them to the commission of this very crime, while he declares in his evidence that he and his priests would feel it their duty to resist and to teach their flocks to resist it too.

But the dark hue of this man's testimony is exhibited in every turn, for he had been asked "what alternative an excommunicated Roman Catholic would have, except to renounce his religion, or submit to the requirements of the Pope?" He pretends in his answer, that if the excommunication were unjust the man would disregard it. And he says, "No excommunication, no dread, no inducement that could be held out by the Pope or any other should prevail on him to do wrong, nor of *course to transgress the allegiance he owes to his sovereign. He would not therefore renounce his religion, but in resisting such an excommunication he would act conformably to the principles of his religion, which teach him that he owes undivided allegiance to the sovereign of the realm in which he lives, and where protection is afforded to him.*"

Now what man on earth, when he reads this evidence as coming from a man professing to be, not to say an Ecclesiastic in a thing called a Christian Church, but even a member of civilized society, could believe, if he had not the demonstration before his eyes, that this man after this evidence, set up, not merely as a principle, but as a law of his religion, that every Roman Catholic, instead of paying undivided allegiance to his sovereign, should obey with implicit reverence all the commands of the Court of Rome, and that the sentence of excommunication which he here pretends, they were to disregard, was to be the very instrument wherewith this obedience was to be enforced? nay, that he himself in his secret conclave was to issue this very sentence, and to enforce under the most solemn sanctions of religious terror, that crime, which he here pretends was at utter variance with religious principle, that he was himself not only totally to violate the bond of allegiance to his sovereign, but to compel the population to transfer their undivided allegiance to the Pope.

But this is not all, for when he is asked "whether there is any latitude of judgment in the individual whether he will conform to the sentence of excommunication or not?" He answers, "*Certainly, in matters of doubt he will consult his pastor, and his pastor will consult others.*"

And when it is again proposed to him, "whether in a case in which excommunication had been issued by the bishop against an individual, and that individual was to apply to his pastor generally speaking, the pastor would

advise the individual to resist the excommunication of the bishop?"

He replies, "*I think that if the excommunication were unjust he would advise him to do so, and also to apply to the superior of the bishop to have it reversed.*"

Yet when he thus pretends that the poor excommunicated individual is to find refuge in his pastor, or the superior of the bishop, what does he do?

He, the superior of the bishops of a province, assembles his bishops, in synod, and he sets up a law by which he hurls not only excommunication against the laymen, but more than excommunication against the pastor, for he records the sentence of the Pope against the pastor; that he is to be "suspended from his orders and his offices," and turned out upon the wide world till the Pope reinstates him; he pretends that poor laymen may find a refuge in the pastor, while the pastor has no refuge himself, if he dares to disobey but suspension, infamy, and degradation.

Such is the security for the truth, the oath, and the loyalty of a bishop of the Church of Rome.

Now let the reader judge of the Bull by which this treasonable religion is enforced.

De non impedienda executione Citationum, Mandatorum, aliarumque Provisionum Romanæ Curiae, seu Sedis Apostolicæ.

## BENEDICTUS EPISCOPUS,

*Servus Servorum Dei. Ad perpetuam rei memoriam.*

Pastoralis regiminis sollicitudo ex alto Nobis immerentibus commissa exigit, ut non solum curemus novas leges, si quando rerum conditio, aut necessitas postulat, concedere; sed etiam, quæ à Romanis Pontificibus Prædecessoribus nostris provide, ac salubriter constituta sunt, si vel hominum culpa, vel ipsa rerum humanarum fluxa, ac volubili natura in desuetudinem obliant, in usum revocare, eaque Apostolicæ confirmationis robore communire.

§. 1. Aliàs siquidem à Congregatione Particulari super reformatione Tribunalium Urbis à piæ memoriæ Innocentio XI. Prædecessore Nostro deputata, per ejusdem Prædecessoris Literas, quæ incipiunt: *Decet Romanum*; datas 4, Kalén. Julii Anno Domini 1689, in forma specifica deinde confirmatum emanavit Decretum tenoris se-

quentis, videlicet ; “ Quoniam verò fertur, quod Ministri, & Officiales Civitatum, Oppidorum, & Locorum, in quibus DD. Clerici, & Commissarius Camerae, alique Prælati, ratione Episcopatum, vel Abbatiarum, & Commendarum, & Præfectus Sac. Palatii Apostolici, exercent Jurisdictionem temporalem, ac etiam Ministri, & Officiales Baronum, & Domicellorum, & aliorum quorumcumque de facto, quamvis indebitè, quandoque præstare audent impedimentum, ne in dictis locis, eorumque Territoriis exequantur per Cursores, & Mandatarios, aliosque Ministros, & Executores Tribunalium Urbis, & alios, quibus demandatum fuerit, Citationes, & mandata, aliæque provisiones Judicum, & Tribunalium Romanæ Curiae, & præsertim Auditoris Camerae, absque eorum licentia, & beneplacito in scriptis, ut vulgò dicitur, *Exequatur* ; Idcirco declaratum, & decretum fuit, quod tam Citationes verbales, & personales, vel domi, sive in manibus Domesticorum, aut per edicta, quàm etiam mandata quæcumque, pariter, tam in Personis, quàm in bonis, in quibuscumque Causis civilibus, & criminalibus, libere possint fieri, & exequi absque alia licentia, beneplacito, vel exequatur, aut requisitione Officialium, & Ministrorum loci ; neque dictos Officiales, & Ministros, etiam ipsosmet Cardinales, & Prælatos, & Clericos, & Commissarium Camerae, ac Barones, & Domicellos, & alios quoscumque, posse in hoc aliquod directum, vel indirectum impedimentum præstare, sub poenis contentis in Constitutionibus Apostolicis contra usurpantes jurisdictionem Sedis Apostolicæ, vel illam, ejusque liberum exercitium impediētes, aut Curiae resistantiam facientes ; & inadvertenter, ac indebitè requisiti de aliqua licentia, vel beneplacito, nullatenus possint, nec debeant, sub eisdem poenis, apponere, *Exequatur*, vel aliàs in scriptis apponere manus in ipsis expeditionibus Tribunalium Romanæ Curiae.”

§. 2. Hujusmodi autem tam providum, ac salubre Decretum non modo in nonnullis Ecclesiasticæ nostræ Ditionis Locis nunquam observatum fuisse, neque in præsentì observari comperimus ; Sed insuper, præter eos, qui in eodem Decreto nominati sunt, alios quoque ex multorum fide dignorum relatione, & experientia ipsa, dum in minoribus essemus, Nosmetipsi, non sine animi nostri dolore & indignatione, cognovimus reperiri, qui debitam citationum, mandatorum, aliarumque provisionum Judicum, & Tribu-

nalium Romanæ Curiae executionem minime permittere, sibi laudi, atque honori ducunt, nisi prius ipsis exhibita fuerint, & eorum licentia, seu beneplacitum oretenus, vel in scriptis, quod vulgo dicitur, *Exequatur*, fuerit impetratum; quinimò nonnunquam eò audaciæ, ac temeritatis processerunt, ut etiam impedimentum præstare ausi sint, interdicientes suis Officialibus, ac Ministris, ne iisdem obsequerentur, negantesque eam exhibere commoditatem, opem, atque auxilium, quod pro illis exequendis præbere tenebantur.

§. 3. Et quoniam tanti ausus deformitatem, quo Apostolicæ Sedis dignitas contemnitur, & auctoritas conculcatur, per se ipsi agnoscunt; modò obtegere curant eo prætextu, quod locus eorum regimini, & potestati subiectus ejusmodi potiatur privilegio, ut ex eo Causæ extrahi nequeant, sed in eodem debeant debito fine terminari; modò autem quod ipsi volunt Partes inter se litigantes ad concordiam adducere, ne substantias suas in rerum minimarum litibus sustinendis insumant.

§. 4. Ut autem hujusmodi malo, quod pessimi exempli, & pravi effectus esse dignoscitur, priusquam magis invalescat, opportuno Pastoralis Providentiæ nostræ remedio occurramus, motu proprio, ex certa scientia, ac de Apostolicæ potestatis plenitudine, tenore præsentium, præfatum Innocentii XI. Prædecessoris nostri Decretum approbamus, confirmamus, & de novo, quatenus opus sit, ferimus, statuimus, ac innovamus, atque illud ab omnibus cujuscumque ordinis, gradus, status, ac dignitatis in perpetuum servari, & custodiri volumus, & mandamus.

§. 5. Præterea decernimus, ac definimus, eodem Decreto omnes, & quoscumque Gubernatores, Rectores, Præsides quorumvis Locorum, Terrarum, ac Civitatum Status, nedum immediate, sed etiam mediate in temporalibus Sedi Apostolicæ subjectos, atque insuper omnes Præfectos, seu Præsides Provinciarum ejusdem Status, quibuslibet suffultos privilegiis, seu facultatibus, etiam Legatorum à Latere; atque insuper Pro-Legatum Avenionensem, atque etiam S. R. E. Cardinales. etiam à Latere nostro Legatos, eorumque Ministros, atque Officiales comprehendendi, & comprehensos censeri debere.

§. 6. Et quoniam in impedienda executione hujusmodi citationum, mandatorum, aliarumque provisionum Romanæ Curiae, vel Sedis Apostolicæ, ut plurimum primas partes



tenent, aut certe in causa & culpa sunt, vel litigantes, vel ii, quorum interest, executiones prædictas impediri; vel alii in causis, vel rebus, de quibus agitur, nullum interesse habentes, vel Notarii, sive Tabelliones publici, qui acta ad executiones hujusmodi explendas necessaria conficere, & muneris sui partes obire recusant; Nos ad intolerabilem hanc pravitatem prorsus abolendam ex omni parte opportune providere volentes, cupientesque, ut qui Apostolici culminis reverentiâ, ut par est. non commoventur, poenarum metu in officio contineantur; motu, & auctoritate simili, hac nostra perpetua Constitutione statuimus, ac definimus, ut omnes & singulæ Personæ tam Sæculares, quàm Ecclesiasticæ, & Regulares cujuscumque dignitatis, status, gradus, & præeminentiæ, seu ordinis, interesse quodcumque in Causis, vel rebus, de quibus agitur, habentes, quæ Citationes, & Causarum Commissiones, decretas, vel decernendas, aut quævis alia mandata Romanæ Curiae, seu rescripta Apostolica justitiam, vel gratiam continentia quo minus juxta illorum tenorem executioni demandentur, per se, vel per alium quovis quæsito colore impedire, aut impediri facere præsumperint, aut pro illis impediendis ad Sæculares, vel Ecclesiasticos, seu Regulares in quavis dignitate, vel ordine constitutos, seu eorum Officiales publice, vel occulte, per se, vel per alium, quovis quæsito colore recursum habuerint, causam perdant, & omne jus tam in petitorio, quàm possessorio, in re, vel ad rem, de qua agitur, eis competens eo ipso amittant.

§. 7. Aliæ verò Personæ sive Sæculares, sive Ecclesiasticæ, aut Regulares, quæ in Causis, vel rebus hujusmodi nullum interesse habent, executionem Citationum hujusmodi, Causarum Commissionem, & aliorum quorumcumque mandatorum, seu rescriptorum, & provisionum Apostolicarum, ut præmittitur, impediens, aut impredientibus hujusmodi auxilium, consilium, vel favorem publice, vel occulte, directe, vel indirecte præstantes, cujuscumque ordinis, gradus, conditionis, vel præeminentiæ existant, si Sæculares fuerint, sententiam excommunicationis, si verò Ecclesiasticæ, aut Regulares, poenam suspensionis, tam ab exercitio Ordinum, quàm cujuscumque Officii, aut dignitatis ipso facto incurrant, à quibus (excepto quoad excommunicationem mortis articulo) non ab alio, quàm à Romano Pontifice pro tempore existente, absolutionis beneficium possint obtinere:

§. 8. Notarii autem, sive Tabelliones publici, qui de executionibus citationum, causarumque commissionum, & mandatorum, ac provisionum hujusmodi faciendis. aut quomodo fiant, de inhibitionibus requisiti fuerint, & instrumenta publica desuper ad instantiam interesse habentium, seu interesse prætendentium, soluto tamen congruo salario, conficere recusaverint, exercitium Officii Tabellionatus amittant, fiantque perpetuò infames, ad Instrumenta, sive Scripturas publicas in posterum conficiendas inhabiles reddantur, donec ab hujusmodi reatu absolutionem, & infamiae abstersionem obtinuerint.

§. 9. Non obstantibus, & Constitutionibus Apostolicis, Decretis, & Statutis, etiam Apostolica auctoritate confirmatis, quibusvis privilegiis, indultis, & concessionibus, quacumque possessione, & consuetudine etiam immemorabili, & titulo colorato ex ea resultante, scientia, patientia, & tolerantia quorumcumque Superiorum, etiam Sedis Apostolicæ, roborato, cæterisque contrariis quibuscumque; aut si aliquibus communiter, vel divisim ab eadem sit Sede indultum, quod interdicti, suspendi, & excommunicari non possint per Literas Apostolicas non facientes plenam, & expressam, ac de verbo ad verbum de indulto hujusmodi mentionem; quod quidem indultum decernimus eis, quacumque auctoritate muniti sint, in hoc aliquo modo suffragari non posse, quo minus hujusmodi sententiis, & pœnis subjaceant.

§. 10. Per præsentem autem non intendimus in aliquo derogare privilegiis, gratis, indultis, à Nobis, aut à Romanis Pontificibus Prædecessoribus nostris concessis nonnullis locis, Civitatibus, Provinciis, aut Regnis, ut causæ extra eorum territoria extrahi nequeant; dummodo citationes, causarumque commissiones, & alia quæcumque mandata, & provisiones Apostolicæ, debitum in iisdem obtineant executionem.

§. 11. Volumus autem Constitutionem, & Decretum hujusmodi, postquam Valvis Ecclesiæ Lateranensis, & Basilicæ Principis Apostolorum, necnon Cancellariæ Apostolicæ, Curiaque Generalis in Monte Citatorio, ac in Acie Campi Floræ de Urbe, ut moris est, affixa, & publicata fuerint, omnes & singulos tam in Romana Curia, quam extra eam existentes perinde afficere, & arctare, ac si unicuique eorum personaliter, & nominatim intimata fuissent; quodque illorum exemplis etiam impressis, manu tamen

Notarii publici subscriptis, & sigilla Personæ in Dignitate Ecclesiastica constitutæ munitis, eadem prorsus fides, tam in judicio, quàm extra ubique locorum adhibeatur, quæ presentibus adhiberetur si forent exhibita, vel ostensa,

§. 12. Nulli ergo omninè hominum liceat hanc paginam nostræ confirmationis, statuti, decreti, mandati, voluntatis, ac derogationis infringere, vel ei ausu temerario contraire; si quis autem hoc attentare præsumperit, indignationem Omnipotentis Dei, & Beatorum Petri, and Pauli Apostolorum ejus se noverit incursurum.

Datum Romæ apud S. Mariam Majorem Anno Incarnationis Dominicæ millesimo septingentesimo quadragesimo secundo, tertio Kal. Aprilis, Pontificatus Nostri Anno Secundo.

P. Pro-Datarius. D. Card. Passioneus.

VISA DE CURIA.

N. Antonellus.

J. B. Eugenius.

Registrata in Secretaria Brevium.

Publicat. die 13. Aprilis ejusdem Anni. 1742.

Nothing more can be necessary to subjoin to this Bull, to finish the picture of papal perfidy that set it up to govern the Roman Catholic population of Ireland, than to quote another section of that oath which the whole body of the Papal hierarchy, published and signed to impose on the credulity and unsuspecting confidence of the Protestant population of this empire. They give on their oath as follows :—

That they do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State, or Potentate, **HATH OR OUGHT TO HAVE** any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.

They further solemnly, in the presence of God, profess, testify, and declare, that they make this declaration, and every part thereof, in the plain and ordinary sense of the words of their oath without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted by the Pope or any authority of the

See of Rome, or any person whatever, and without thinking that they are or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any person, or authority whatsoever shall dispense with or annul the same, or declare that it was null and void from the beginning." This was signed by Dr. Keating! This was signed by Dr. Doyle!! This was signed by Dr. Murray!!! This was signed by all the Popish Bishops!!!! The naked fact speaks for itself—to comment on it were to imply that the reader must be alike destitute of principle and of understanding.

THE PAPAL BULL  
OF  
UNIVERSAL DISPENSATION  
FOR ALL SORTS OF CRIMES, PUBLIC AND PRIVATE,  
SET UP FOR  
THE GOVERNMENT OF THE ROMAN  
CATHOLICS OF IRELAND,  
BY  
THE ROMISH BISHOPS OF LEINSTER.  
A. D. 1832.

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It might naturally be supposed that a tissue of villainy such as has been placed before the Reader in the foregoing documents, could not be maintained as a system of religion, unless there was some mode of affording a balm, or rather of "skinning over the wound" of an ulcerated conscience;—for although the Scripture gives it as a mark of the "*Mystery of iniquity*" as exhibited in the apostacy "having their conscience seared with a hot iron," and though we could not indeed otherwise account for the contrast exhibited between the oaths and the principles of the Popish bishops, yet it were unjust, as we must hope and trust, to suppose that all the victims of this system were as hardened in crime as those who administer it; and although the masters of this "*Mystery*" might be delivered from all compunctious visitings of conscience, yet they could not carry on their domination over the minds of others, if there were not some antidote prescribed by their religion to cure the poison of principle which it administers. Therefore the dispensing power of the Church of Rome is always

one of its most prominent doctrines, and it would be rather a difficult task even for the skill and experience of a Popish bishop, or the most adroit confessor he could train in his conferences, to inure a man to rapine, perjury, and murder, even for the interests of the church, and the propagation of the faith, unless there was some power to turn crime into virtue by the license for its practice, and by pardon for its perpetration.

The existence of this power in the Church of Rome was known to many, and was a subject of anxious solicitude on the part of those who feared the admission of Roman Catholics to political power. It was examined into by the Committee of the House of Commons, though indeed but partially, as it appears; but the evidence on that subject, will throw much light on the Bulls now laid before the Public.

Extract from the Evidence of Dr. Doyle, March 18, 1825, before the Committee of the House of Commons, Report, p. 196.

“The Committee wish to know whether every priest has the power of absolving in every case?”

“A priest by his ordination receives what we call a radical power, whereby he can absolve from sin; but besides this power which belongs to him in virtue of the order which he receives, he must get jurisdiction from the bishop to absolve individuals, otherwise he cannot absolve any one. Now the bishop, in granting such jurisdiction to him, which he may grant either as to extent of territory, or as to individuals, may restrict the power of absolution to a certain class of sins, or he may give power to the priest to absolve the contrite sinner from any sins he may be guilty of with the exception of certain sins which he specifies, and those are called in our language, *reserved cases*. For instance, in a case of deliberate murder. If a man who had committed deliberate murder in the diocese where I live, were to repent as deeply and sincerely as David did, no priest in it could absolve him unless by special leave communicated by me. We reserve the absolution from those grievous crimes to ourselves, for the purpose that sinners who are so unfortunate as to commit them might come before us, and receive such reproofs and such penances to be performed, as would in some degree secure

their amendment, and we would fear that if we left it in the power of ordinary priests to absolve from such grievous offences, that they might not be so provident in the exercise of that power as the bishop himself would be. That is the nature of reserved cases, and these are the grounds upon which certain cases are reserved.

"Are there any cases reserved to the special jurisdiction of the See of Rome?"

"*I believe not. There is no case whatever that I know of from which the bishop in this country has not the power to absolve. How the Pope treats the matter in his own territory, or in Italy, I cannot say.*"

Now let any sober, reflecting man compare the statement in this evidence with the last Bull.

First, let him remark the nature of *reserved cases*—they are cases of such gross and flagrant turpitude that the criminal is unable to receive pardon for them from the inferior authority in the church; he must appear before the superior in order that he may "*receive such reproofs and penances to be performed as would in some degree secure his amendment.*"

Now what appears then to be the case with this last Bull? It is this—that the disobedience of any of the orders of the court of Rome in Ireland is an offence of such magnitude that the criminal cannot be pardoned by his priest, no nor by his bishop—the murderer is to be pardoned by the bishop, but the rebel against the Pope's authority is a case reserved for the Pope himself; that is in plain fact that the Pope exercises a direct temporal jurisdiction by the most tremendous spiritual sanctions over the Roman Catholic subjects of the British sovereign, and that while these poor wretches may be condemned and executed for disobedience to the laws of their legitimate monarch, they are in fact compelled by sanctions which, to every conscientious Roman Catholic are more formidable than death itself, to yield a prior obedience to all the orders of the Pope, though in opposition to those laws.

Now, while this is manifest, what darker exhibition of Papal treachery can there be than the denial on the part of this bishop that there were any cases reserved to the special jurisdiction of the See of Rome itself? He saw the drift of the question—he saw the necessary consequence that if such were the case, it must necessarily invest the

Pope with temporal power over the Roman Catholics of this empire, and therefore he denied it, though he knew the Bulla *Cœnæ Domini* was in flat contradiction to his evidence, but when he not only did this, but then in 1832, in conjunction with Dr. Murray and his brother bishops, set up this last Bull to rule the unfortunate Roman Catholics of Ireland, and to make their refusal to obey the Pope's temporal commands a case reserved for his spiritual jurisdiction, and to compel every priest to obedience at the peril of his orders and his offices, it would be difficult to find even in all the tissue of episcopal treachery, and perjury, and treason, a baser exhibition of them all than here.

And when to this is added the next Bull, "*Pastor Bonus*," in which, while the Roman Catholic subjects are given a latitude by dispensation, for the commission of every crime, the heresy of the sovereign and of all the subordinate authorities in the heretical state, temporal and spiritual, is denounced and reserved for the Pope; so that the Pope thereby assumes a jurisdiction over them all—the case is one of perhaps as deep and aggravated ecclesiastical villainy as even the annals of Popery itself present to the eye of man.

The abstracts given of this Bull in the Supplement to Dens, are as follow. It is quoted and appealed to in many parts of the volume, but we shall give the abstracts of two important points—namely, Heretics and Murder.

## HÆRETICI.

Hæretici occulti absolvi possunt in foro conscientiae a majori Pœnitentiarario vel de ejus mandato. Occulti vero sunt qui etse hæresim suam extrinsecis actibus manifestarunt nemo tamen illos vidit. Ita in bulla *Pastor Bonus*, Bull. t. I. n. 95, n. 9.

Potest etiam Major Pœnitentiarius in foro conscientiae absolvere publicos hæreticos seu apostatas a fide, quando necesse non est complices denunciare, illis nempe mortuis sive degentibus in locis palam infectis; non vero si illi vivant ubi Inquisitionis officium viget. *Ibidem*

Principes vel qui vicarii nomine statui præsumunt, dominia, et respublicæ, illarumque administratores, vel qui administrationem habere solent. Episcopi et superiores Prælati,



in casibus publice contentis in Bulla Cœnæ Domini, ab illo absolvi nequaquam possunt. *Ibid.* n. 11.

\* \* \* \* \*

Denique neque potest in casibus publicis violatæ immunitatis seu libertatis Ecclesiasticæ, etiam non deductis in iudicium. num. 14.

Supplement to Dens, p. 82.

### HOMICIDIUM.

Cum homicidis et bannitis, etiam in casu homicidii voluntarii, Major Pœnitentiarius potest dispensare, ut religionem approbatam etiam tanquam clerici ingredi possint, additis tamen quibusdam clausulis, de quibus Pontifex in sua bulla "*Pastor bonus*." Bullar. tom. 1, n. 95, s. 17. Supplement, p. 8.

Thus translated,

### HERETICS.

Secret heretics can be absolved by the Major Pœnitentiarius, or by his command in foro conscientiæ, but those are secret heretics, who, although they have manifested their heresy by outward acts, yet no person has seen them.

So it is enacted, in the Bull "*Pastor Bonus*." Bullarium, vol. I. No. 95, Sec. 9 :

"Also, the Major Pœnitentiarius can absolve public heretics or apostates from the faith when it is not necessary to denounce their accomplices—namely, they being dead or living in places openly infected, (with heresy) but not if they live where the office of the inquisition is in force."  
—*Ibid.*

"Princes, or those who preside over a state, under the title of a vicar, (or lieutenant) states and republics, and their rulers, or those who are accustomed to have the administration of them—bishops and superior prelates, in public cases, contained in the Bulla Cœnæ Domini can by no means be absolved by him." *Ibid.* s. 11.

\* \* \* \* \*

"Finally, neither can he grant absolution in public cases of violated immunity or ecclesiastical liberty, even though not brought to trial." Sec. 14.

### HOMICIDE.

"The Major Pœnitentiarius can grant dispensations to homicides and outlaws even in the case of wilful murder,

so that they can even as clerics enter an approved religious order, adding, however, some little clauses of which the Pope speaks, in his Bull '*Pastor Bonus*.' " Bullarium, vol. I. No. 95, Sec. 17.

It may be just necessary for the reader to learn that the Major Pœnitentiarius is one of the Cardinals at Rome, who is invested by the Pope with the plenary power of granting dispensations and absolutions which, as the concession of them forms a considerable portion of that traffic in which, "with feigned words they make merchandise" of the souls of men, the Pope's time would necessarily be grievously intruded on, if he had not some person to whom this office was to be delegated. There is a large book written on the office of the Major Pœnitentiarius by Marcus Paulus Leo, a Jesuit.

This Major Pœnitentiarius again would have his hands much too full of business if the sale of all the souls in Europe who barter their sins for money were to be conducted by him, he is therefore in turn obliged to delegate his office to others, and accordingly he has a deputy at least in every diocese in Ireland, and when we consider the powers that are vested in these deputies, we need not wonder that outlawry and murder are matters of minor consideration here.

He cannot absolve from the crime of heresy the sovereign, nor the lord lieutenant, not though he should try to purchase his favour by compounding the law of the land with half the ruffians in the country—no nor bishops, that is heretical bishops, nor others who hold office or power under the crown: but though this *heinous crime* is to be solely reserved to the Pope, yet we see the *minor cases* of outlawry and murder are not only cases in which he can pardon the offender, but he can allow him to enter into a religious order, and become a monk. For example, the man who murdered Lord Norbury a few days ago, while the ordinary principles of justice, morality, and religion, set a price on the head of the murderer, his confessor grants him absolution, or, if he has not the power, the Pœnitentiarius of the diocese grants it to him, and by the authority with which he is invested in this bull, which is well denominated "*Pastor Bonus*," i. e. "*the Good Shepherd*;" he can give this man leave to enter a religious

order. The laws of this heretical country would have him as unfit to live in society, but this "*Pastor Bonus*" decides that he will make a capital monk, and accordingly permits the Major Pœnitentiarius, and the Major Pœnitentiarius permits his delegate in the diocese to allow him "*to enter an approved religious order.*" The ranks of the regulars, that is the monks, need not want recruits in Ireland while "*Pastor Bonus*" is in force.

But it is now time to introduce to the reader this Bull, set up by the Romish bishops, for the regulation of the religious, moral, and social principles of the Roman Catholic laity of Ireland.

Facultates Majoris Penitentiarii, & Officii Pœnitentiariæ.

### BENEDICTUS EPISCOPUS,

*Servus Servorum Dei. Ad perpetuam rei memoriam.*

Pastor bonus Christus Dominus ad quærendam Ovem, quæ perierat, a Patre missus, quum ea reperta, atque humeris suis imposita, in Cœlum reversus fuerit, Vicarios operis sui, quibus universi gregis pretio magno sibi coëmpti regimen credidit, exemplis præceptisque suis instructos reliquit, ut et commissas Oves intra moderatæ disciplinæ septa coërcere, & continere omni studio satagerent; & si quas fortè, amore pravæ libertatis abreptas, procul a via salutis licentius aberrare contingeret, eas ad bonam frugem, et ad debita justitiæ officia revocare, ostensa potissimum ac proposita venia, misericorditer niterentur. Hæc autem Summi Pastorum Principis documenta præ oculis habentes Prædecessores Nostri Romani Pontifices, quemadmodum atrociora quædam, & graviora crimina severè notanda, ac districtè vindicanda duxerunt, latè contra eorum auctores Censuris, aliisque Ecclesiasticis pœnis, quarum absolutionem, seu relaxationem, pro suprema potestate in universa Ecclesia sibi concessa, suo peculiari judicio reservarunt, ne scilicet impunitas peccandi delinquentium excitaret audaciam, ita, ne contra nimia obtinendæ veniæ difficultas pœnitentes ad desperationem propelleret, opportuna reversis ad cor offerre, atque admoveere remedia, memores Christi charitatis, et misericordiæ, nullo unquam tempore prætermiserunt.

§ 1. Ideo, præter alia plura pro variis causarum generi-

bus constituta Romanæ Curiae Tribunalia, voluerunt imprimis jam inde a vetustissimis usque temporibus extare in ea, & nunquam defecturum perpetuò conservari, instar fontis patentis Domui David in ablutionem peccatoris, Apostolicæ Pœnitentiariæ Officium, àd quod universi Fideles ex omni Christiani Orbis regione pro suis quisque spiritualibus morbis quamlibet occultis, sive per se, sive per arcanas literas, propriis etiam suppressis nominibus, tutò confugere possent, & convenientem vulneribus medicinam, secreta & gratuita curatione (qualis ab omnibus optanda foret) protinus consequerentur. Cujus tam præclari, tamque salutaris instituti ratio Romanis pro tempore Pontificibus magnopere cordi fuit; tantamque ex hujus Officii ministerio in Ecclesiæ administratione utilitatem experti sunt; ut olim eidem Officio non modò causas ad interius pœnitentiæ forum, sed alias etiam complures ad gratiam, & justiciam externi fori pertinentes, expediendas committere non dubitaverint.

§. 2. Sed sancto, ac salubri consilio Vener. mem. Prædecessor noster Sanctus Pius Papa V. animadvertens hujusmodi negotiorum, atque curarum cumulum, aliorum Tribunalium instituto magis convenientium, Pœnitentiariæ Officium dumtaxat onerare, ac sedulum illud, atque assiduum studium aliis negotiis ad animarum salutem pertinentibus præcipuè tribuendum, imminuere posse; quod jam fel. record. Pius paritur Papa IV. ex parte facere aggressus fuerat, id ulterius promovere, ac perficere magna cum laude decrevit: ideoque, Anno Pontificatus sui IV. Incarnationis Dominicæ MDLXIX. quarto Kalendas Maji, edita Constitutione quæ incipit *In omnibus*, veterem Pœnitentiariæ formam suppressit, atque abolevit, novamque de integro excitavit, multisque provide ac sapienter constitutis circa Majoris Pœnitentiarum, ejusque Officialium electionem, qualitates, certum numerum, functiones, stipendium, et secreti custodiam; eas dumtaxat facultates Officio Pœnitentiariæ concessit, ac deinceps competere voluit, quas novo ejusdem statui magis congruere judicavit.

§. 3. Has verò facultates cum a sequentibus Romanis Pontificibus fermè singulis ampliari, aut immutari, aut explicari, quam Literis Apostolicis, quam vivæ vocis oraculis, sæpè contigerit; cumque hujnsmodi Literarum, atque oraculorum multiplicitas, & varietas pluribus in rebus non minimas dubitationis causas afferent; placuit Innocentio XII.

pariter Prædecessori Nostro unum ex ipsis delectum, unamque summam, & compilationem efformare, quam publicavit per suam Constitutionem, quæ incipit : *Romanus pontifex*, datam anno Incarnationis Dominicæ MDCXCII. tertio nonas Aprilis.

§. 4. In qua tamen Constitutione quum idem Innocentius Pontifex Maximus aliqua facultatum capita in aliud tempus ordinanda distulerit, circa quæ, nulla in hunc usque diem emanavit provisio ; & cum nonnulla de cætero in eadem Constitutione disposita, majori quadam luce indigere, usu & experientia compertum fuerit ; et non pauca præterea accesserint circa Apostolicæ Pœnitentiariæ facultates sequentium Pontificum decreta ; & præsertim Constitutio fel. record. Clementis XII. immediati Prædecessoris Nostri, quæ incipit : *Apostolatus Officium*, Anno MDCCXXXII. quarto nonas Octobris edita ; Idcirco, quod olim Nos ipsi sæpè optavimus, dum in minoribus existentes munus Doctoris Decretorum in eadem Pœnitentia exerceremus, ut huic scilicet operi denuò manus admoveretur ; id ipsum a pluribus aliis sæpius optatum fuisse cognovimus. Postquam ergo Divinæ Providentiæ, cujus inscrutabilia sunt consilia, ita placitum fuit, ut immerentes Nos, & planè inopinantes ad summum Pontificatum proveheret, statim intelleximus, præfatis justis desideriis a Nobis potissimum esse satisfaciendum.

§. 5. Quocirca re diù & maturè discussâ, multisque desuper consultationibus habitis, & omnes Prædecessorum Nostrorum Constitutiones, seu Literas quaslibet, atque omnia vivæ vocis oracula ipsius Pœnitentiariæ Officium quomodocumque concernentes, seu concernentia, præ oculis habentes ; Salva sæpè Majoris Pœnitentarii facultate Romanum Pontificem consulendi in quibusvis particularibus casibus, etiam per præsentis nostras Literas non concessis, immò prohibitis, seu reservatis, & exceptis ; ita ut ipsi Majori Pœnitentario de Romani Pontificis speciali mandato, vivæ vocis oraculo desuper sibi facto, procedere asserenti, indubia fides debeat adhiberi ; Motu proprio ex certa scientia, ac matura deliberatione Nostris, deque Apostolicæ potestatis plenitudine, infrascriptas facultates eidem Pœnitentiariæ, & Majori Pœnitentario de cætero competere, ac in illa, & ab illo in hunc, qui sequitur, modum exerceri posse, hac Nostra perpetuò valitura Constitutione statuimus, atque decernimus.

§. 6. Concedimus itaque Nostro, et pro tempore existenti Majori Pœnitentiario, ut omnes, & singulos ejuscumque qualitatis, dignitatis, & gradus, Ecclesiasticos Sæculares, & cujusvis Ordinis, Congregationis, Societatis, & Instituti Regulares, necnon Laicos quoscumque utriusque sexus, tam præsentis, quàm absentes, ab omnibus, & quibuscumque culpis, criminibus, & excessibus, quantumcumque gravibus, et atrocibus, tam publicis, quàm occultis, quando-cumque, & quomodocumque commissis, & perpetratis, necnon ab omnibus Excommunicationis, Suspensionis, & Interdicti, aliisque censuris, & poenis Ecclesiasticis, præmissorum criminum occasione latis, & per illos incursis, etiam in casibus, nedum Ordinariis, & Regularibus Superioribus, sed etiam Nobis, & Sanctæ sedi specialiter, ac etiam per Litteras, quæ die Cœnæ Domini quotannis promulgantur, reservatis; injunctâ semper iisdem pro modo culpæ penitentiâ saluari, & aliis, quæ de jure injungenda fuerint, *absolvere, & absolvi mandari possit*, & valeat: Regulares nimirum à culpis, & censuris præmissis in utroque Foro; Ecclesiasticos verò Sæculares, necnon Laicos, a prædictis culpis, & censuris in Foro Conscientiæ tantum; Eisdem verò Ecclesiasticos Sæculares, necnon Laicos, tunc in utroque Foro absolvere, et absolvi mandare possit, quando agitur de censuris publicis latis a Jure, præsertim Sedis Apostolicæ reservatis, etiam nominatim declaratis, vel si agatur de latis nominatim ab homine, tunc quando Delegati, vel alterius Judicis, a quo latæ fuerant Jurisdictio expiraverit; seu quando absolutio per eosdem Judices, aut alios, ad Romanum Pontificem, & ad dictam Sanctam Sedem remissa fuerit; seu quando sic Censurâ ligari legitime impediuntur, quo minus præsentiam Judicum, vel illorum, qui eos sic ligarunt, aut alium, seu alios, quos de jure deberent, adire possint.

§. 7. Ita tamen, ut ab ejusmodi Censuris ab homine latis, vel declaratis in utroque Foro, ut præfertur, absoluti, vel qui absolvendi remittentur Judici, coram quo censura-rum causa pendet, in suis congruis casibus respectivè judicato paruerint, & Patri satisfecerint, vel quam primum potuerint, pareant, & satisfaciant, alioquin in easdem Censuras reincidant. Renuente verò altera Parte satisfactionem Reo oblatam, & in Sententiis, seu Decretis minimè expressam, accipere; possit Major Pœnitentiarius pro sua prudentia convenientem satisfactionem arbitrari, & respec-

tivè supradicti Judicis conscientiae remittere, ut ejusmodi pariter arbitretur ; illaque per Reum oblata, ac per aliam partem irrationabiliter recusata, valeat, adhuc firma remanente hujusmodi oblatione, ad absolutionem procedere, & ab alio procedi mandare.

§. 8. Romam quoque advenientes, ibique Sacra loca visitaturos, ab omnibus per quemcumque Judicem, vel alias quomodocumque, non tamen in Romana Curia nominatim promulgatis, vel, si alibi promulgatae fuerint, in eadem Curia notoriis, Censuris, ad effectum dumtaxat, ut Indulgentias, sacra eadem Urbis loca pie ac religiosè invisentibus concessas, liberè & licitè consequi valeant, absolvere, & absolvi mandare possit ; ita ut elapso congruo tempore ab ipsa Pœnitentiaria ad effectum prædictæ visitationis præfiniendo, iisdem, quibus antea, Censuris teneantur. Eos verò, qui Censuris ab homine nominatim ligati, pro absolutione Romam advenerint, sed pro illa obtinenda fuerint ad proprios Judices remissi, & probabile mortis periculum in itinere pertimescant, poterit Major Pœnitentiarius, ad congruum tempus, ab ipso pro hujusmodi itineris confectione arbitrandum, in Foro conscientiae tantum absolvere, & absolvi mandare ; cum reincidentia, statim ac itineris terminum attigerint.

§. 9. Hæreticos occultos, qui nemini, & cum nemine suas hæreses communicaverint, possit idem Major Pœnitentiarius in Foro conscientiae tantum, absque alia abjuratone coram Ordinario, vel Inquisitore facienda, absolvere, vel absolvi mandare : quod pariter ipsi liceat, quando prædicti Hæretici occulti aliquos actus extrinsecos fecerint, ex quibus dignosci potuissent pro hæreticis ; dummodo eosdem actus, quamvis de sua natura noscibiles, seu ad notitiam deducibiles, nullus, quem ipsi sciant, aut credant, notaverit, vel adverterit.

§. 10. Publicos verò Hæreticos, seu Apostatas a Fide Catholica, in Foro conscientiae tantum, absolvere, seu absolvi, mandare possit, in iis dumtaxat casibus, in quibus necesse non est complices denunciare ; quando nimirum hujusmodi complices, aut mortui sunt, aut in regionibus palam infectis existunt, & in illis degunt ; non tamen quando complices in illis Regionibus viverent, in quibus Inquisitionis Sancti Officii auctoritas viget.

§. 11. Principes porrò, & alios jus Imperii, etiam Vicarii nomine, habentes, ac Dominia, & Respublicas, seu

Personas illorum, & illarum administrationem habentes, vel habere solitas, necnon Episcopos, & alios Superiores Prælatos, in casibus publicis, qui in præfatis Literis, die Cœnæ Domini legi consuetis, continentur, etiamsi Romanus Pontifex propter infirmitatem, vel aliam causam ita fuisset impeditus, ut celeriter consuli non posset, absolvere, & absolvi mandare nullatenus valeat:

§. 12. Minusque possit, etiam in occultis, etiam in Foro conscientiæ tantum, absolvere, vel absolvi mandare S. R. E. Cardinales, aut alios cujuscunque qualitatis, status, gradus, conditionis, dignitatis, & præeminentiae fuerint, qui, vivente Romano Pontifice, de alio quopiam in ejus locum post ipsius mortem eligendo, vel excludendo tractaverint, suffragia inierint, ambitusve, aut pactiones fecerint; vel, Sede Apostolica vacante, in censuras, seu pœnas in Literis fel. record. Gregorii Papæ XV., et Urbani VIII. Prædecessorum Nostrorum super electione Romani Pontificis pro tempore facienda, xvii. Kal. Septembris Anno Incarnationis Dominicæ MDCXXI., & v. Kalendas Februarii Anno ejusdem Incarnationis MDCXXV. respectivè emanatis, contentas, quomodolibet inciderint; præterquam si absolvi peterent, Sedē Apostolica adhuc vacante; tunc enim absolvi poterunt modo inferius præscribendo pro tempore vacantis ejusdem Sedis.

§. 13. Nec pariter possit, etiam in occultis, etiam in Foro conscientiæ tantum, eos cujuscunque qualitatis, status, dignitatis, præeminentiae, & conditionis fuerint, absolvere, et absolvi mandare, qui Astrologia judiciaria, vel per se, vel per alios, de statu Reipublicæ Christianæ, sive de vita, aut morte Romani Pontificis pro tempore existentis inquirentes, ejusdem Urbani VIII. Pont. Max. Literis, pridie Kalendas Aprilis Anno ejusdem Incarnationis MDCXXI. contra prædicta perpetrantes editis, contravenerint.

§. 14. Nec similiter valeat in casibus publicis, etiam in judicium non deductis, violatæ Immunitatis, seu libertatis Ecclesiasticæ, ullatenus absolvere, seu absolvi mandare.

§. 15. Super quacunque Irregularitate, & inhabilitate ex quocunque delicto, etiam homicidio voluntario, et ex quocunque defectu proveniente, possit idem Major Pœnitentiarius, in casibus tamen occultis, et in Foro conscientiæ tantum, et prævia in gravioribus casibus matura discussione in Signatura Pœnitentiariæ agenda, dispensare, vel dispensari mandare tam cum Laicis, quam cum Ecclesiasticis Sæ-



cularibus, et Regularibus, cum quibus expediens videbitur, ad hoc ut Ordinibus initiari, vel respectivè in susceptis, etiam in Sacris, et Presbyteratus Ordinibus ministrare, et ad Superiores ascendere, ac Dignitates, etiam Cathedralles, et Metropolitanas, et quæcunque Beneficia Ecclesiastica, quandocunque ante dispensationem alioquin canonicè obtentas, vel obtenta, retinere, necnon ut hujusmodi Beneficia, et Dignitates (exceptis quando agitur de homicidio voluntario, vel alio gravissimo excessu, Ecclesiis Cathedralibus, et Metropolitanis) etiam post delictum assequi valeant.

§. 16. Item cum Hæreticis, et Apostatis a Fide Catholica, quando hæresis, et apostasia hujusmodi, si de Sæcularibus agitur, nullatenus est propalata, et quando casus gravitas non suadet, Pœnitentes ad Sac. Inquisitionem remittendos esse, super quacumque Irregularitate, Inhabilitate, et Infamia exinde contracta tam ad Ordines, sive susceptos, sive suscipiendos, quàm ad Beneficia, dispensare, et dispensari mandare possit, et valeat.

§. 17. Cum Homicidis, Bannitis, aliisque criminosis, ut in Religionem recipi, et in ea Professionem emittere licitè possint, atque ut etiam qui homicidia voluntaria commiserint, aliquam ex approbatis Religionibus, tanquam Clerici, ingredi, in eaque profiteri valeant, in utroque Foro dispensare, seu dispensari mandare possit; ea tamen lege, quando sic oportere videbitur, ut Fiscum, et Partem prius concordaverint; et insuper cavendo, ne tempore Novitiatus Sacros Ordines suscipiant, aut ad Superiores ascendant; sed id eis minime liceat, nisi post Professionem emissam. Ut autem in iis Ordinibus, quos antea suscepissent, etiam tempore Novitiatus ministrare possint, quoties aliqua rationalis causa id postulaverit, dispensare et dispensari mandare possit; *Ut si forte in Religione non perseveraverint, seu ad sæculum redierint, ipso facto suspensi, etiam ab hujusmodi, Ordinum antea susceptorum, exercitio, remaneant.*

§. 18. Cum malè promotis quibuscumque ad Ordines, in casibus tamen occultis, dispensare, vel dispensari mandare valeat; et signanter, accedente legitima causa, dispenset, vel dispensari mandet cum Promotis per saltum, in casibus similiter occultis, ad effectum scilicet, ut omissos Ordines secretè recipiant a quolibet Catholico Antistite Gratiam et communionem cum Sede Apostolica habente, extra tempora, et non servatis Interstitiis, et absque Dimis-

soriis ; non tamen, ut plures Ordines Sacros eodem die recipiant.

§. 19. Cum promotis ad Sacros Ordines, qui Simoniam cum Episcopis promoventibus commiserint, dispensare et dispensari mandare possit, in occultis dumtaxat, et in Foro conscientiae tantum, cum clausula *monitis monendis*, et injuncta gravi poenitentia, ac re praesertim in Signatura discussa.

§. 20. Titulos Beneficiorum cum occulta inhabilitate, vel alio occulto vitio, etiam in concursu, male-obtentorum, convalidare, vel convalidari mandare valeat.

§. 21. Verum a convalidatione Titulorum, et condonatione fructuum absteineat quoad illos, qui de Ecclesiis Cathedralibus provisi, munus Consecrationis infra praefinitum tempus non susceperint.

§. 22. Cum verò agitur de Simonia reali scienter contracta, et de Beneficiis, super quibus eadem contracta fuit, absteineat a dispensationibus, seu convalidationibus Titulorum, etiam in foro conscientiae tantum, etiam in casibus occultis ; nisi fortè praedicta Simonia contracta fuerit ignoranter, ignorantia facti, vel juris, et Orator de illa certior factus, quàm primum commodè potuerit, dispensationem petierit. Idemque intelligatur de Pensionibus, super quibus Simonia realis scienter contracta, et commissa fuerit.

§. 23. Absteineat a condonationem pretii simoniaci, quando in Ecclesiam laesam, vel pauperes erogari debet ; praeter quàm si delinquentium paupertas, et qualitas suadeant, aliquam ejus partem ipsis remitti, aut condonari posse ; residuo semper in Ecclesiam, vel alios pauperes erogando.

§. 24. A compositione pariter, et condonationem fructuum Beneficialium, et Episcopalium Ecclesiarum, ac etiam distributionum quarumcumque, quovis modo male perceptorum, in casibus non occultis, absteineat. In occultis verò, possit cum Gallis, Belgis, Germanis, Polonis, et ulterioribus, componere, vel etiam condonare ; injuncta eisdem Poenitentibus erogatione eleemosynae, ipsius Majoris Poenitentarii, vel Confessarii ab ipso deputandi arbitrio limitandae. Cum reliquis autem, videlicet Italis, Hispanis, Lusitanis, et adjaecentium Insularum Personis, discretè compositionem concedere, et ea mediante fructus condonare valeat ; pecuniis exindè redactis arbitrio Nostro, et Successorum nostrorum pro tempore erogandis.

Pauperibus autem, quorum inopia compositionem non admittit, possit condonare, injuncta pro eorum viribus eleemosyna modo supradicto. Porro quæ hic ordinantur, sine præjudicio illorum, quibus distributiones accrescere, vel non decrescere debent, sint, et censeantur ordinata.

§. 25. Quoad male ablata, vel retenta, quando domini incerti sunt, et casus occulti, partem aliquam delinquentibus pauperibus, si, eorum qualitate, et necessitate pensatis, ita videbitur, remittere, seu condonare, vel remitti, seu condonari mandare possit; residuum verò pauperibus distribui, vel in pia opera erogari, et quidem, si fieri potest, in locis, ubi illa ablata, extorta, vel usurpata sunt, mandare debet.

§. 26. Accipientes munera a Regularibus, exceptis rerum medicinalium, seu devotionis muneribus, ultra valorem decem scutorum monetæ, contra præscriptum a Prædecessoribus Nostris Clemente VIII., et Urbano pariter VIII. in suis Constitutionibus, XIII. Kalendas Julii Anni MDXCIV., et XVI. Kalendas Novembris Anni MDCXL. respective editis, non absolvat, nisi facta restitutione; vel, si eam de præsentis nequeant adimplere, cum obligatione eandem, quamprimum poterunt, faciendi. Qui verò infra prædictum valorem ejusmodi munera acceperint, eos, injuncta arbitrio ipsius Majoris Pænitentiarii, seu Confessarii per eum eligendi, eleemosyna, quæ in beneficium Religionis, seu Conventus, cui de jure facienda esset restitutio, si caute fieri possit, erogetur, absolvere, seu absolvi mandare possit.

§. 27. Cum Puellis quæ Virgines non sunt, et subsidia Dotalia petunt, seu jam obtinuerunt a Confraternitatibus, aut aliis Locis, vel Dispensatoribus piis, quibus injunctum est, ut illas Virginibus tantum dent, seu distribuant; in occultis, et in Foro conscientie tantum, quatenus illæ in posterum honeste vivant, facultatem habeat dispensandi. Necnon dispensare possit, in occultis pariter, et in Foro conscientie tantum, cum Virginibus, quæ petunt, vel obtinuerunt ingredi, vel jam ingressæ sunt in Conventus, seu Monasteria destinata pro Mulieribus ad bonam frugem tractatis, ad effectum ea licite ingrediendi, seu in eis remanendi, ac profitendi, et Officia quæcumque suscipiendi, et exercendi.

§. 28. Juramenta quæcumque, in quibus exploratum sit

nullum cujusquam agi præjudicium, facultatem habeat in Foro conscientie dumtaxat relaxandi.

§. 29. Vota simplicia quæcumque quomodolibet emissa, tametsi privato juramento confirmata, etiam Religionis, Castitatis, Visitationis Sepulchri Dominici, aut Sacrorum Liminum Beatorum Apostolorum Petri, et Pauli de Urbe, aut Sepulchri S. Jacobi de Compostella, possit idem Major Pœnitentiarius in alia pietatis opera dispensando commutare; etiam ad effectum contrahendi Matrimonium, cum agitur de voto castitatis, aliisve ex se Matrimonium illicitum reddentibus; item Votorum implementum differre, et ab illorum transgressionibus absolvere; et respective dispensando commutari, differri, et absolvi mandare; consideratis causis talium commutationum, dilationum, aut absolutionum, et adjectis clausulis, quas apponere, iisque injunctis, quæ injungere hactenus in hujusmodi casibus Pœnitentia laudabiliter consuevit.

§. 30. Super recitatione Divini Officii, seu Horarum Canonicarum, propter aliquam impossibilitatem, seu moralem difficultatem, dispensandi, cum commutatione in alias preces, vel orationes, vel alia pia opera, earumque seu eorum injunctione, habeat facultatem.

§. 31. Cum regularibus autem super Irregularitate, tam ex defectu, quam ex quocumque delicto quandocumque perpetrato, quomodolibet contracta, ut eadem Irregularitate, aut quavis inhabilitate, aliisve defectibus quibuscumque non obstantibus, susceptis Ordinibus, et eorum Privilegiis uti, ac in illis, etiam in Altaris ministerio ministrare, et Ordines non susceptos suscipere, ac in iisdem pariter ministrare, necnon quæcumque, quotcumque, et qualiacumque suorum Ordinum, et Congregationum, alioquin canonice obtenta, Officia, Beneficia regularia, munia, præeminentias, dignitates, et prælaturas, etiam majores, et principales, retinere, et exercere, nec non eadem, seu easdem, ad quæ, seu quas in futurum canonice, et juxta eorundem Ordinum, et Congregationum regularia Instituta, eligentur, vel aliter assumuntur, recipere, assequi, gerere, ac libere, et licite exercere valeant, dispensare, eosque in pristinum, et ad eum, in quo ante præmissa quomodolibet erant, statum, et ad vocem activam, et passivam restituere, reponere, et plenarie reintegrare, et pœnas illis gratiose remittere, et condonare; (non tamen habilitare ad Generalatum

quando agitur de publico natalium defectu;) necnon pro majori absolutionem, et dispensationem prædictarum firmitate, quibusvis Constitutionibus, Ordinationibus, Statutis, et Privilegiis quomodolibet obstantibus sufficienter derogare, præfatus Major Pœnitentiarius possit, et valeat.

§. 32. Volumus tamen, ut in hujusmodi casibus, qui occulti fuerint, in Foro conscientię tantum, in publicis verò casibus in utroque Foro, auditis tamen Superioribus & matura circumspectione semper adhibita, cum iisdem Regularibus, ut præfertur, dispenset, vel dispensari mandet.

§. 33. Quoad Apostatas, vel fugitivos Regulares, ad Apostolicam Pœnitentiarium recurrentes, servetur laudibilis ejusdem praxis, ut scilicet Major Pœnitentiarius, audito prius, si in Urbe adsit, Ordinis Superiore, seu Procureatore Generali, injungat Apostatæ; seu fugitivo, intra tempus arbitrio ipsius Majoris Pœnitentarii taxandum, reditum ad proprium Ordinem: Interim verò, si expediat, a censuris eundem absolvere, vel absolvi mandare possit, cum reincidentia si intra dictum tempus minime redierit, (dilata tamen usque ad actualem reditum dispensatione super Irregularitate, si fortè eam insuper contraxisset): & alias præterea pœnas, sive de jure communi, sive ex Statutis Ordinum, propter Apostasiam, seu fugam inflictas, discretè moderari, commutare, vel etiam, juxta peculiare circumstantias, condonare possit. Si verò casus ejusmodi sit, ut, re præsertim in Signatura discussa, censeatur expedire, quod absque reditu ad proprium, transitus eidem ad alium Ordinem concedatur; possit Major Pœnitentiarius istud etiam concedere, adhibitis tamen iis cautionibus, quas ad refrenandam vagandi licentiam necessarias, seu opportunas judicaverit; necnon illa præ oculis habendo, quæ infrà circa transitum disponentur. Nemini autem Regulari quacumque de causa permittere valeat, ut in habitu Seculari, seu Clerici Sæcularis, in perpetuum extra Claustra vivere possit.

§. 34. Quoad transitum verò de una ad aliam Religionem, non solum valeat illum concedere à laxiori ad arctiorem, juxta *Cap. Licet de Regular.*, verum etiam ad æqualem, & ab arctiori ad laxiorem; ob justas tamen, & graves respectivè causas ab eodem Majori Pœnitentiarario probandas; audito prius Superiore Ordinis, à quo, & cum consensu Superioris Ordinis, ad quem faciendus est transitus.

Pro majori autem transitus firmitate, in his omnibus casibus possit idem Major Pœnitentiarius Statutis et Privilegiis Apostolicis quomodolibet obstantibus opportunè derogare.

§. 35. Verùm abstineat ab hujusmodi transitu concedendo ad alias Religiones, seu Ordines, præter quàm ad illas, seu illos, in quibus claustralis, & regularis observantia vigere dignoscatur; quod si de tali claustrali, et regulari observantia ullatenus dubitetur, exquirenda erit authentica Ordinarii attestatio. Abstineat pariter a transitu prædicto concedendo ad Ordines Hospitalares, et Militares, quævis in istis claustralis, et regularis observantia vigeret, nisi fortè ad Ordinem S. Joannis de Deo. Neque item eundem transitum concedat ad Ordinem Sancti Benedicti antiquioris Observantiæ, aut ad alias consimiles Congregationes, cujuscumque Ordinis fuerint.

§. 36. Concedere itidem possit transitum ab uno Monasterio ad aliud, Monialibus tantum ultra Montes existentibus, legitima concurrente causa, in Signatura discutienda et approbanda; committendo tamen facultatem hujusmodi transitus admittendi, et exequendi, arbitrio Ordinarii, cum clausulis opportunis pro casuum varietate.

§. 37. Quo verò ad censuras, seu pœnas, in quas Moniales incurrere, et peccata reservata, quæ ab eisdem committi contigerit, etiam in casibus violatæ clausuræ, qui tamen casus occulti fuerint, vel ubi agatur de aliquo occulto defectu dispensando, possit idem Major Pœnitentiarius præfatis Monialibus Confessarium cum opportunis facultatibus concedere.

§. 38. In casibus verò publicis clausuræ à Monialibus prædictis, vel ab aliis quibuscumque personis, ad malum finem violatæ, delinquentes non absolvat, nec absolvi mandet, nisi pro ipsis Episcopi, seu Ordinarii supplicaverint, & casus ad Congregationem S. R. E. Cardinalium negotiis, & consultationibus Episcoporum, et Regularium præpositam deducti non fuerint.

§. 39. In Matrimoniiis contrahendis possit idem Major Pœnitentiarius, in Foro conscientie tantum, super impedimentis occultis, quæ Matrimonium non dirimunt, dispensare, vel dispensari mandare; itemque super omissione denunciationum, etiam ad effectum contrahendi secreto; in quo servantur, quando agitur de Matrimoniiis Conscientiæ nuncupatis, Litteræ à Nobis datæ ad omnes Patriar-

chas, Primates, Archiepiscopos, et Episcopos sub die 17. Novembris anni 1741, per ea verba incipientes: *Satis vobis compertum*. At à dispensationibus concedendis super quoeumque impedimento ex quovis gradu, sive consanguinitatis, sive affinitatis ex copula licita, seu ex cognatione spiritali proveniente, etiam in Foro conscientiae tantum, tametsi impedimentum sit occultum, et periculum scandalorum immineat, in iisdem Matrimoniis contrahendis abstineat.

§. 40. In contractis verò Matrimoniis, à dispensatione, seu Matrimonii revalidatione in gradibus primo et secundo seu secundo tantum, consanguinitatis, vel affinitatis ex copula licita, etiam in occultis, pariter abstineat; præterquam si in secundo tantum gradu prædicto impedimentum saltem per decennium duraverit occultum, et Oratores simul publicè contraxerint, et convixerint, et uti Conjuges legitimi reputati fuerint. In tertio autem, et quarto gradibus occultis, in contractis possit dispensare; atque etiam in iisdem tertio, et quarto gradibus publicis, possit revalidare Matrimonia, ex causa subreptionis, et obreptionis occultæ Literarum Apostolicarum nulliter contracta: præterquam si falsitas consistat in narratione præcedentis copulæ, quæ antea revera non intercesserat.

§. 41. Quod si aliqui Oratores obtinuerint à Nostra Dataria dispensationem super gradu prohibito in primo et secundo, vel in secundo tantum, ac etiam in tertio, vel quarto cum reticentia copulæ inter eos sequutæ, quam sine honoris detrimento detegere non valeant; et ratione hujusmodi reticentiæ petant dispensationem pro Matrimonio contrahendo. seu revalidationem Matrimonii contracti; possit idem Major Pœnitentiarius, si copula sit adhuc secreta, hujusmodi dispensationem, seu respectivè revalidationem in Foro conscientiae tantum concedere; facta, quando agitur de primo et secundo, vel secundo tantum gradu, compositione quinquaginta ducatorum auri de Camera ad Datariam transmittendorum, ad effectum (ut inconcussi moris est) erogandi in eleemosynas; nisi prior gratia expedita fuisset in forma pauperum; quo casu etiam hæc gratia similiter absque ulla compositione expediatur.

§. 42. Si qui verò Oratores, obtenta dispensatione à Dataria super impedimento primi et secundi, sive secundi dumtaxat gradus Consanguinitatis, seu Affinitatis, cum expressione quidem carnalis copulæ, sed tacita occulta, &

malitiosa intentione in ipsa copula habita ad facilis obtinendam dispensationem, pro revalidatione hujusmodi dispensationis ad dictam Pœnitentiariam recurrant, possit idem Major Pœnitentiarius desuper absolutè dispensare cum miserabilibus personis explicitè affirmantibus se, uti tales, et sub illa expressa qualitate, et forma miserabilium; dispensationes à Dataria obtinuisse: Cum iis verò, qui non tamquam pauperes, sed uti ex honestis familiis sive uti nobiles, sive uti illustres, ab eadem Dataria similiter dispensati fuerint, non dispenset, nisi soluta prius in Dataria, ad effectum pariter erogandi in eleemosynas, taxa definienda arbitrio ejusdem Majoris Pœnitentarii, pensatis circumstantiis cujuscumque casus & respectu habito ad præjudicium componendæ, et ad vires supplicantium. Si tamen isti pauperes essent, ita ut verè & realiter integram summam taxatam, vel aliquam ejus partem solvere non possent præfatus Major Pœnitentiarius opportunè in hoc casu provideat, facto verbo, si peculiaris difficultas id postulet, cum Sanctissimo.

§. 43. Super impedimento occulto affinitatis ex copula illicita, seu ex actu fornicario proveniente, quotiescumque adsit rationabilis causa, licet periculum revelationis, seu scandalorum non immineret, vel non adesset, in matrimoniis tam contractis, quàm contrahendis, in Foro conscientie dispensare, et dispensari mandare possit, et valeat.

§. 44. Super occulto impedimento criminis adulterii, si fuerit cum fide data dumtaxat, neutro machinante, commissum, possit tam in contrahendis, quàm in contractis matrimoniis dispensare. Si verò crimen hujusmodi fuisset, utroque, vel altero machinante, patratum, possit in occultis pariter dispensationem concedere; raro tamen, et quando necessitas postulaverit, ratione alicujus gravis imminens periculi, quod prudentia Majoris Pœnitentarii, re præsertim discussa in Congregatione, vel Signatura, arbitrandum erit.

§. 45. Declaramus præterea, quod facultates præfatæ à Nobis Majori Pœnitentario, et ejusdem Pœnitentiariæ Officio concessæ circa dispensationes Matrimoniales, locum habeant, etiamsi gradus, et impedimenta hujusmodi multiplicia sint, quacumque, et quantacumque multiplicitate; Volentes, in Literis hujusmodi dispensationum matrimonialium, posse Prolem, ubi opus erit, sive suscipiendam, non



tamen in adulterio conceptam, in Foro conscientiae tantum, legitimam decernere; necnon apponi clausulam: *Nullis, &c.*, prout in hujusmodi materiis hactenus ipsa Pœnitentiarum servare consuevit.

§. 46. Ulterius super casibus quibusvis occulti impedi-  
menti ad petendum licitè debitum dispensare, aut dispen-  
sari mandare possit, et valeat.

§. 47. Facultates Pœnitentiariis minoribus ordinariis  
trium Basilicarum Urbis, aliisque extraordinariis, quorum  
deputatio pertinet ad prædictum Majorem Pœnitentiarium  
possit idem ad libitum concedere, et restringere. Fratres  
vero Minores Cappucinos in Confessarios nullatenus depu-  
tet in illis Regionibus, in quibus iidem Confessionibus au-  
diendis operam dare non solent.

§. 48. Dubia omnia in materia peccatorum seu Forum  
pœnitentiale alias quomodolibet concernentia, cum con-  
silio Doctorum, et Theologorum suorum, valeat de-  
clare.

§. 49. Commissiones vero Majoris Pœnitentiarum non ex-  
pirent, etiamsi committens, illis nondum præsentatis, et re  
integra, desinat quomodocumque Pœnitentiarum existere.  
Idemque intelligi volumus de illis commissionibus quas  
Majori Pœnitentiarum absente, vel ex aliqua juxta causa  
impedito, alterius Pro Pœnitentiarum ad tempus subrogati  
nomine expeditas, elapso hujusmodi subrogationis termino,  
præsentari contingerit.

§. 50. Omnibus denique Christifidelibus, qui ex veteri,  
et laudabili instituto Pœnitentiarum Majorem, munere  
suo statutis diebus Hebdomadæ Majoris in tribus Urbis  
Basilicis solemniter Ritu fungentur, piè reverenterque adie-  
rint, seseque pœnitentia virga tangendos submisserint,  
centum dies de injunctis eis, seu alias quomodolibet debi-  
tis pœnitentiis in forma Ecclesiæ consueta relaxandi per-  
petuam facultatem eidem Majori Pœnitentiarum confirma-  
mus, et quatenus opus sit, de novo concedimus.

§. 51. Sede Apostolica vacante, quoniam Animarum sa-  
luti, quæ omni tempore tempore periclitatur, nunquam non  
est subviniendum, unde meritò Prædecessores Nostri Offi-  
cium Pœnitentiarum etiam post obitum Pontificis continu-  
are jusserunt; Volumus, et decernimus, ut Major Pœni-  
tentiarum (cujus facultas dicto tempore non expirat, sed  
tantummodo non habet exercitium extra Conclave), seu  
ejus officiales, facere et expedire valeant quaecumque ad

Forum conscientiae pertinent. Ideo absolvere, seu absolvi mandare in dicto conscientiae Foro valeant ab iis quoque censuris, a quibus alias vivente Pontifice adempta etiam Majori Pœnitentiaro, et Pœnitentiarie Officio, absolvendi facultas reperitur: Hac tamen lege (quemadmodum fel. record. Prædecessor Noster Clemens Papa XII., lata Constitutione, quæ incipit: *Apostolatus Officium* ad consulendum simul animarum Fidelium saluti, et disciplinæ Ecclesiasticæ conservatione, provide cavit), quod nempe in hujusmodi censuris, ad tempus dumtaxat, et cum reincidentia in easdem, servatis alias servandis, absolutio concedatur; ita ut qui fuerint absoluti, ad novum Pontificem intra terminum pro Locorum distantia definiendum, recurrere pro eâdem causa teneantur; neque liceat Pœnitentiaro Majori, ejusque Officialibus, præfixum terminum post pontificis electionem ampliare, vel prorogare.

§. 52. Præterea concedimus, ut, si quando aliquod gravius Animæ periculum immineat, cui celeriter occurrendum videatur, re in Signatura diligenter examinata, et Majori quoque Pœnitentiaro, si in Conclavi degat, pro materiæ gravitate consulto, et approbante, dispensare, aut dispensari mandare pro eodem Foro conscientiae, valeant; super illis etiam, super quibus alias vivente Pontifice inhibita sit Majori Pœnitentiaro, et Pœnitentiarie dispensandi facultas; Ita tamen, ut Oratores, sicuti superius dictum est, ad novum Pontificem post ejus electionem similiter debeant recurrere; aliisque appositis clausulis pro casus natura necessariis, et opportunis.

§. 53. Pro Foro verò externo, eadem Sede Apostolica vacante, eorum Officium penitus conquiescat; ita ut à quibuscumque matrimonialibus, et aliis dispensationibus, et absolutionibus, ac declarationibus, necnon quibusvis aliis expeditionibus forum fori mixtim, vel separatim quomodo libet respicientibus, omnino abstineant.

§. 54. Attamen concedimus, ut dicta Sede vacante, pro Foro externo facere et expedire valeant, quæ ad Regularium, et præsertim Apostatarum, et fugitivorum remedium, in superioribus facultatibus concessa sunt. Necnon ut Monialibus Confessarios extra ordinem valeant deputare, si eos ex aliqua rationabili causa petierint, pro eorum libitu inter approbatos ab Ordinario ad audiendas Monialium Confessiones, eligendos.

§. 55. Et demum, ut illos, qui in aliquam censuram

Sedi Apostolicæ reservatam, etiam ob violatam Ecclesiasticam Libertatem, vel Immunitatem publicè incurrerint, vel incurrisse declarati fuerint, et verè ac sincere poenitentes, et novi Pontificis, ad quem post electionem recurrere debebunt, mandatis obtemperare parati, beneficium absoluti-  
onis sibi ulterius non differri enixe deprecantur, absolvere, cum reincidentia, quemadmodum in superioribus dictum est, vel absolvi mandare possint.

§. 56. Decernentes præsentis Literas, etiam ex eo, quod Major Poenitentiarius, ac præfatæ Poenitentiariæ Regens, et Officiales prædicti, ac alii quicumque in præmissis quomodolibet interesse habentes, seu habere prætendentes, eisdem præmissis non consenserint, aut vocati, seu auditi non fuerint, aliæque quavis de causa, quantumvis legitima, et juridica, de ullò subreptionis, vel obreptionis, seu nullitatis vitio, aut intentionis Nostræ, vel alio quocumque defectu notari, impugnari, redargui, retractari, in jus, vel controversiam revocari nullatenus posse; sed semper et perpetuò validas, firmas, et efficaces existere, et à Majori Poenitentario, Regente, cæterisque Poenitentiariæ Officialibus prædictis, aliisque, ad quos spectat, et pro tempore spectabit, inviolabiliter observari, sicque per quoscumque Judices Ordinarios, et Delegatos, quavis auctoritate fungentes, etiam Causarum Palatii Apostolici Auditores, et S. R. E. Cardinales, etiam de Latere Legatos, et Sedis Apostolicæ Nuncios, sublata eis, et eorum cuilibet quavis aliter iudicandi, et interpretandi facultate, ubique judicari, et definiri debere: irritum quoque, et inane quidquid secus super omnibus, et singularis præmissis, vel circa ea, à quoquam quavis auctoritate scienter, vel ignoranter contigerit attentari.

§. 57. Non obstantibus præmissis, et aliis quibuscumque Constitutionibus, et Ordinationibus Apostolicis, et dictæ Poenitentiariæ, etiam juramento, confirmatione Apostolica, vel quavis alia firmitate roboratis statutis, et consuetudinibus quibuscumque, ac quibusvis vivæ vocis oraculis, privilegiis, indultis, et Literis Apostolicis, ejusdem Poenitentiariæ Officio, illiusque Majori Poenitentario, ac Officialibus, et Ministris, et quibusvis aliis, sub quibuscumque tenoribus et formis, ac cum quibusvis etiam derogatoriis derogatoriis, aliisque efficacioribus, et insolitis clausulis, et decretis in genere, vel in specie, etiam Motu proprio, et alias quomodolibet per Prædecessores Nostros Romanos Pœn

tifices, ac etiam per Nos ipsos concessis, innovatis, confirmatis, et approbatis. Quibus omnibus, et singulis, etiamsi pro illorum sufficienti derogatione de illis, eorumque totis tenoribus, specialis, specifica, individua, et expressa, ac de verbo ad verbum, non autem per Clausulas generales idem importantes, mentio seu quævis alia expressio habenda, aut aliqua alia exquisita forma ad hoc servanda foret tenores hujusmodi, ac si de verbo ad verbum nihil penitus omissio, et forma in illis tradita observata iisdem præsentibus pro plene, et sufficienter expressis, et insertis habentes, ad effectum præsentium, illis aliàs in suo robore permansuris, harum serie derogamus, cæterisque contrariis quibuscumque.

§. 58. Nulłi ergo omninò hominum liceat, paginam hanc nostrarum compilationis, concessionum, prohibitionum, decretorum, statuti, voluntatis, declarationis, confirmationis, derogationis, aliorumque præmissorum infringere, seu ei ausu temerario contraire; Si quis autem hoc attentare præsumperit, indignationem Omnipotentis Dei, ac BB. Petri, et Pauli Apostolorum ejus se noverit incursum.

Datum Romæ apud Sanctam Mariam Majorem Anno Incarnationis Dominicæ millesimo septingentesimo quadragesimoquarto, Idibus Aprilis, Pontificatus Nostri Anno Quarto.

D. Card. Passioneus.

F. Datarius.

VISA DE CURIA.

J. C. Boschi.

L. Eugenius.

Registrata in Secretaria Brevium.

Publicat. die 27. ejusdem mensis, et anni.

Such is the *carte blanche* for every species of crime, whether condemned by the laws of God or man, which the Popish powers may chuse the unfortunate people of Ireland to commit, and which they can thus divest of every penalty of divine judgment by persuading their wretched victims that the plenitude of pardon cancels when they please, the guilt of the crime, however atrocious it may be.

We now proceed, for the satisfaction of those who may not easily translate or understand these Latin documents, to give those parts of them that bear on this country in plain English; and we commence with the

BULLA CŒNÆ DOMINI, (Page 13.)

LETTER OF PROCESS ON THE DAY OF THE SUPPER OF OUR LORD.

*Paul, bishop, servant of the servants of God, to perpetuate the memory of the thing (now decreed.)*

The PASTORAL vigilance and anxiety of the Roman Pontiff is, by reason of the duty of his office, not only continually employed in procuring the utmost peace and tranquillity of the Christian world, but it also most eminently shines forth in retaining and preserving the unity and integrity of the Catholic faith, *without which it is impossible to please God*—so that the faithful of Christ may not be as little children wavering, nor be carried about with every wind of doctrine by the crafty wickedness of men, whereby they lie in wait to deceive, but that all may come in the unity of the faith and the knowledge of the Son of God unto a perfect man, and in the society and communion of this life, may neither injure themselves, nor offend each other; but rather that, being joined together in the bond of charity, as the members of one body under Christ the head, and his Vicar upon earth the Roman pontiff, the successor of St. Peter, from whom the unity of the whole church proceeds, they may be increased in edification, and thus, divine grace assisting them, may so rejoice in the tranquillity of this present life, that they may also fully enjoy the happiness of the next. For which reasons, truly, the Roman Pontiffs, our predecessors, have been accustomed, upon this day, which is the stated anniversary for the commemoration of our Lord's supper, solemnly to exercise the spiritual sword of ecclesiastical discipline, and the salutary weapons of justice, by the ministry of the Supreme Apostolate for the glory of God and the salvation of souls. We therefore, to whom nothing is more desirable than, in the authority of God, to preserve inviolable the integrity of the faith, public peace and justice, following this ancient and solemn custom:

§ 1. Excommunicate and curse on the part of God Almighty, Father, Son, and Holy Ghost, by the authority

also of the blessed apostles, Peter and Paul, and by Our Own, all Hussites, Wicklephists, Lutherans, Zuinglians, Calvinists, Hugonots, Anabaptists, Trinitarians, and Apostates whatsoever from the Christian faith, and all and singular other Heretics, under whatsoever name they may be classed, and of whatsoever sect they may be, and those who believe, receive, or favour them, and all those who defend them in general, whosoever they be, and all those who, without Our authority, and that of the Apostolic See, knowingly read or keep, print, or in any way whatsoever, from any cause, publicly or privately, upon any pretence or colour whatsoever, defend their books, which contain heresy, or treat of religion; also, schismatics, and those who pertinaciously withdraw themselves or secede from obedience to Us, and to the Roman Pontiff for the time being."

Let the reader mark the preface to this bull, and the cause presented in it for this sentence of universal curse against us all.

The pretence is *charity*—to unite Christians, that is, all members of the Church of Rome, under one head, that is the Pope; and this monstrous catalogue of curses is pronounced merely to "*exercise the spiritual sword of ecclesiastical discipline and the salutary weapons of justice,*" and this "*for the glory of God and the salvation of souls.*"

Let the reader calmly consider what a mockery it is to talk of laws making a nation tranquil when a set of Popish bishops and priests are breathing secretly into the ears of one mass of the population curses and execrations against the other, and making it *religion* to do so—cursing them on behalf of God the Father, the Son, and the Holy Ghost—that blessed name under which the Lord Jesus commanded his apostles to proclaim mercy, and to baptize all who received it. What mockery it is to talk of loyalty to an excommunicated and accursed sovereign—of subjection to excommunicated and accursed governors!—of submission to laws administered by excommunicated and accursed judges!—of peace and charity with excommunicated and accursed neighbours!—well might Dr. Doyle swear, (see p. 5,) that "*scarcely any thing would be at rest among the Catholic States of Europe*" where this Bull was in force—well might he swear when he wanted to deceive and gain power that this bull would never be received

in Ireland—well might Dr. M'Hale swear, with the same object in view, before the Commissioners of Education, (see p. 9) that "the collision between this bull and the established authorities of the country would be an insurmountable objection to its publication." Yet, Protestant reader, this is the law set up by these Popish bishops to train your poor Roman Catholic neighbours. Roman Catholic reader, this is the system of the men that pretend to call themselves ministers of Christ, and to lead your souls to salvation—here we see the secret of your being taught to burn the Bible—here is the source whence the poor wretched ribbonman learns his oath to embrace his hands in the blood of heretics—what peace can there be for Ireland till this system truly cursing and cursed is laid open to its foundations before the poor people, and till they are taught by Christian fidelity, and Christian love and truth, to fly from it as from the jaws of eternal death.

Recollect that Dr. Murray, the highest in office of the men who set up this bull—who came forward to tell Lord Melbourne that his solemn oath attested that he did not hold the principles it contains—who addressed the Protestants of this Empire as his "BELOVED FELLOW CHRISTIANS!!" recollect that in his own Secret Statutes he echoes the language of this Bull, and denounces as the first on the list of the excommunicated "*Heretics and Apostates.*"

The second section is as follows:—"In like manner we excommunicate and curse all and singular, of whatsoever station, degree or condition they may be, (but the Universities, Colleges, and Chapters, by whatsoever name they may be called, we interdict) who appeal from the ordinances or commands of Us, and of the Roman Pontiffs for the time being, to a future general council; as also those by whose aid or favour the appeal shall be made."

This requires no explanation—there is no appeal from the Pope's laws.

The 3rd section excommunicates and accurses pirates, corsairs, and others.

The 4th, those who plunder wrecked vessels.

The 5th, all who impose new taxes without the Pope's leave.

The 7th section is as follows:—"In like manner we excommunicate and curse all those who carry or transmit

to Saracens, Turks, and other enemies and foes of the Christian name, or to those expressly, or by name, declared heretics by our sentence or by that of this Holy See, horses, arms, iron, wire of iron, tin, steel, and any sort of metals, and instruments of war, piles of timber, hemp, ropes, as well of hemp as of any other matter, and the matter itself, and other things of this sort, with which they fight against Christians and Catholics; as also those who, by themselves or by others, give information of things concerning the state of the Christian world, to the Turks, and to the enemies of the Christian religion, to the hurt and injury of Christians; or to heretics, to the prejudice of the Catholic religion, or, for that purpose, give them, in any way whatsoever, aid, advice or favour: notwithstanding any privileges whatsoever, which do not expressly mention this sort of prohibition, hitherto granted by Us, and the aforesaid See to any persons whatever, Princes or Commonwealths."

We learn from this 7th section what England is to expect whenever it is found convenient or expedient by the Pope to prevent Roman Catholics from enlisting in her armies and navies, or if they be enlisted to make them mutiny, desert, or pass over to the enemy. Here we see too why evidence cannot be given against Popery in courts of justice, &c.

The 8th section curses those who prevent necessities from being brought to Rome, whether bishops or kings.

The 9th curses all who without power from the Pope attempt to use any against those who reside at Rome.

The 10th, all those who kill or injure travellers to Rome.

The 11th, all those who kill or injure in any way Cardinals, archbishops, and other dignitaries, or drive them from their territories, therefore the King of Prussia is now held up to especial curse, &c.

The 12th section denounces with similar excommunication and curse all who slay or injure those who have recourse to Rome for their causes, &c.

The 13th is as follows:—"In like manner we excommunicate and curse all, as well Ecclesiastics as Seculars of whatsoever dignity they be, who pretending some frivolous appeal from the grievance or future execution of apostolic letters, although in form of a brief, concerning as well mercy as justice, as also of the citations, inhibitions, se-



questrations, monitions, processes, executorials, and other decrees which have been issued, and which shall at any time be issued from us, and the aforesaid See, or from our Legates, Nuncios, Presidents, from the auditors of our Palace and Apostolic Chamber, from our Commissaries and other Apostolic judges and delegates, or who otherwise have recourse to Secular courts, and to the Lay power, and who cause appeals of this sort to be admitted by it (the Lay power) even at the instance of the Procurator or Advocate of the exchequer, also those who cause the aforesaid letters, citations, inhibitions, sequestrations, monitions, &c., to be seized and retained: or those who hinder or prohibit them to be put in execution, simply, or without their good will, consent or examination; or who impede or prohibit scriveners and notaries from making or delivering when made, to the party interested, the instruments or acts concerning the execution of letters and processes of this sort; and also those who apprehend, strike wound, imprison, detain, banish, from cities, places, and kingdoms, plunder of their goods, frighten, harass, and threaten by themselves or by any other, or others, publicly or privately, the parties or their agents, their kindred, their connexions, their friends, notaries, the executors, or sub-executors of the aforesaid letters, citations, monitions, &c. or who in any other way presume to hinder, directly or indirectly, any persons whatsoever, in general or particular, that they should not go or have recourse to the court of Rome; or to ordain or command that they should not go, or have recourse to the Court, to prosecute their affairs of any kind whatsoever, or to obtain indulgences or letters or hinder them from obtaining those very indulgences or letters from the said See, or from making use of them when obtained, or presume to retain the said indulgences or letters, with themselves, or with notaries or scriveners, or in any other way whatsoever."

This Bull, which here transfers legislation and execution of law to the Court of Rome, by making it at least a matter of choice to prefer the jurisdiction of the Pope to the laws of England, and visits thus with the heaviest penalties those whose who refuse to admit the authority of that tribunal is best exemplified in its operations by facts. We have seen some remarkable instances of the laws of

England made as nothing in comparison to those of Rome. The case of Dr. Mulholland, who made an effort to appeal to the British parliament for the protection of his character and parish, is fresh in the recollection of all; and Mr. O'Connell, the professed advocate of liberty, recommended him to submit to the church, that is, to the laws of Rome instead of to those of England.

But the principle is still more remarkable in the case of Dr. O'Finah, Roman Catholic bishop of Killala, who ventured to have recourse to the laws of his country to protect his character from an infamous libel. He had appointed a vicar general, as it appears by the trial, for the libel, which took place March 13, 1837, at the assizes at Sligo: and this vicar-general was very obnoxious to Dr. M'Hale. By some sort of intrigue of which we can easily surmise the author, a mandate was obtained from Rome, to order the dismissal of this vicar general. The evidence of Dr. M'Hale of the authority exercised by Rome in this instance may convey some idea of the power of that tyrannical despotism. He states as follows:—

Q. Is it the course of Rome to send an absolute mandate, and dismiss an individual without having heard him in his defence?

A. Rome appears to have done so in the present instance.

Q. But then, would it not startle you a little if the court of Rome condemned a person without an investigation into the truth or falsehood of the charges against him, and can that be the course of proceeding at Rome?

A. VERY OFTEN. (A great sensation at Court.)

Q. Why, Dr. M'Hale, is there a secret tribunal such as the Inquisition in Rome that would condemn a man unheard in his defence?

A. It has been done, I conceive, in the present instance.

Q. So then the Court of Rome issues mandates without having heard the party in their defence—that doctrine surprises me not a little?

A. The fact is so, however. (A murmur of disapprobation pervaded the court and jury.)

Such is admitted on the oath of this Popish bishop to be the spirit of the Romish Church at this day; and such is that power substituted by the laws set up by these Papal

bishops for the British constitution over the Roman Catholics, and as far as they yet can, and dare, over the liberties, properties, and lives of the Protestants of Ireland.

The Bull proceeds :—§ 14. “ In like manner we excommunicate and curse all and every one of those who, by themselves or by others, by their own authority, and *de facto* under pretext of any exemptions whatsoever, or any other indulgences, or letters apostolic take away the cognizance of causes relating to benefices and tithes, and other spiritual causes, and annexed to spiritual matters, from our auditors and commissaries, and other ecclesiastical judges ; or prevent the course and hearing of them ; and prevent the persons, chapters, convents, colleges, who wish to prosecute these very causes ; and who interpose themselves as judges respecting the cognizance of them ; or who, by a decree, or in any other way compel the parties who have instituted, or do institute the proceedings, to withdraw, or to cause to be withdrawn, the citations, or inhibitions, or other letters decreed in these causes ; or to cause, or consent, that those against whom such inhibitions have issued, should be absolved from the censures and punishments in them contained, or in any way prevent the execution of apostolic letters, or executorials, processes and decrees aforesaid, or for that purpose afford their favour, counsel or assent, even under the pretence of preventing violence, or of any other pretences, or even until they, for the purpose of informing us, as they say, shall petition Us, or cause Us to be petitioned, unless they shall prosecute petitions of this sort before Us and the Apostolic See in lawful form, even though they who commit such things be Presidents of chanceries, of councils or parliaments, Chancellors or Vice-Chancellors, Counsellors, ordinary or extraordinary, of any secular princes whatsoever, even though they were Emperors, Kings, Dukes, or invested with any other pre-eminent dignity whatsoever) or Archbishops, Bishops, Abbots, Commendatories, or Vicars.”

Let it here be recollected that the very year after political power was conceded to the Papacy, one of the questions proposed in the Conferences of the Province of Leinster was,

“ QUINAM IN HIBERNIA BENEFICIARII JUSTE VOCANTUR ?”

**"WHO ARE THEY WHO ARE JUSTLY CALLED BENEFICED CLERGYMEN IN IRELAND?"**

The Bulla *Cœnæ Domini* answers, "Those appointed under the authority of the court of Rome."

This section of the Bull at once determines the case. The next year in Leinster the tithe war began, therefore every Protestant clergyman, every judge, every man who directly or indirectly is concerned in the recovery or payment of tithe, and now the whole landlords of Ireland, besides their curse as being heretics, are under the curse of this Bull for their connexion with tithes.

Section 15 proceeds, "Or (that is, we excommunicate and curse those) who, under pretence of their office, or at the instance of any party, or of any others whatsoever, draw, or cause, or procure to be drawn, directly or indirectly, upon any pretence whatsoever, ecclesiastical persons, chapters, convents, colleges of any churches whatsoever, before them to their tribunal, audience, chancery, council, or parliament contrary to the disposition of the canon law; as also those who, from any cause or pretence whatsoever or even under pretext of any custom or privilege, or in any other manner whatsoever, shall make, ordain, and publish, or use when made or enacted, statutes, ordinances, constitutions, pragmatics, or any other decrees in general or particular, whereby ecclesiastical liberty is violated, or in any way injured or depressed, or in any other way restricted, or the rights of Us and of the said See, and of any other churches whatsoever, are, in any way whatsoever, directly or indirectly, tacitly or expressly prejudiced.

Here we see the Canon law of the Papacy is directly set up to govern the country where this Bull is in force, so that in fact while British statesmen are compounding with, and conceding to, Popery, the question for them to ask if they come to do their duty to their sovereign and their country is this: "Whether shall the laws of the Pope or of the British sovereign rule this empire?" This is the question: they may try to blink it if they please, but they must look it in the face, and must answer it. If they have not the spirit and the principle to do it in the senate; the arm of rebellion and revolution will make them do it perhaps a day too late in the field.

Section 16 proceeds, "As also those who, by imprison-

ing or molesting their agents, proctors, domestics, relations, connections, or by any other means, directly or indirectly, on this account prevent Archbishops, Bishops, and other superior and inferior Prelates, and all other ecclesiastical judges whatsoever, from executing their ecclesiastical jurisdiction against any persons whatsoever, according to that which the canons and sacred ecclesiastical constitutions, and the decrees of general councils, and especially that of Trent, do appoint ; and also those who, after the sentences and decrees of the ordinaries themselves, or even of any persons whatsoever delegated by them ; or at any other time (or by any other means) eluding the judgment of the ecclesiastical court, have recourse to chanceries and other secular courts, and thence procure prohibitions and even penal mandates to be decreed against the aforesaid ordinaries or delegates, and executed against them : those also who make and execute these decrees, or give aid, counsel, protection, and favour in the same."

Here we see the meaning of the volume of canon law, the supplement to Dens,—here the Archbishops and Bishops are set up as the judges,—here the canons of the Church as the statute law of the land,—here we see, at once, the whole secret of the bulls published now in this book.

In 1832, these decretals were published, being decided on the year before, in the provincial synod of Dr. Murray and his Bishops ; and, in the same year, the Pope's encyclical letter to the Bishops is sent over, directing them to retain all the canons of the Church unchanged, both in words and meaning. No man of common sense can fail to see the whole system completely linked from beginning to end.

Let it be remembered that it is expressly stated in Dens, vol. ii., in the chapter on the punishment decreed against heretics of confiscation, exile, imprisonment, and death, that the cognizance of this crime is in the ecclesiastical court. Let it be remembered that while Dr. Murray was publicly addressing the Protestants of the empire with his smooth appellation of "Beloved fellow Christians," the detection of his diocesan statutes proved not only the hypocrisy and falsehood of his address, but proved that he had passed the sentence here declared to issue from the Bishop against heretics, for the first persons

on the list of the excommunicated in those secret statutes are HERETICS AND APOSTATES. Therefore, let Protestants who read this remember that the fact is proved to demonstration that they are denounced under the Papal laws of this country,—that any protection they can receive from British law, they are sentenced to the curse of the Papacy for daring to appeal to it; and that it shall last, just as long as the terror of the British sword is able to maintain it. Let them awaken,—let them take these facts,—publish them, proclaim them, denounce before their Roman Catholic neighbours the traitors that set up these laws, and make dupes and tools of the poor Roman Catholic laity for carrying them into effect, stirring them up as they do under every possible pretence to hatred of their Protestant fellow subjects, and to a spirit of insubordination, disaffection, and insurrectionary hostility against their Protestant Sovereign. Let the people see the naked villainy of their tyrants, and the naked misery of their own slavery,—let the actual wickednesses of the Priests and Bishops, and the war and curse of Popery against the laws of God and man be held up in opposition to the Bible and British liberty, and the poor Roman Catholics will soon, under God's blessing, be delivered from the yoke of this degrading and demoniacal despotism.

Sections 17 and 18 proceed thus:—"Again (we excommunicate and curse) those who usurp the jurisdictions, fruits, revenues, and emoluments which belong to Us and the Apostolic See, and to any ecclesiastical persons whatsoever, upon account of churches, monasteries, and other ecclesiastical benefices, or even who sequester, upon any occasion or cause, the said revenues, without the express license of the Roman Pontiff, or of others having legitimate faculty for that purpose."

Section 18.—"So we excommunicate and curse those who impose assessments, tithes, tolls, subsidies, and other burdens, upon clergymen, prelates, and other ecclesiastical persons, and upon their goods, and the goods of churches, monasteries, and other ecclesiastical benefices, or upon the fruits, revenues, and proceeds of this sort belonging to them, without a similar special and express license from the Roman Pontiff, and those who in divers even artful or exquisite ways exact, or receive them so imposed from the clergy, even if they should of their own accord grant and

give them. As also those who, by themselves or by others, directly or indirectly, do not fear to do, execute or procure the things aforesaid, or to afford aid, counsel, or favour in the same, of whatsoever pre-eminence, dignity, order, condition, or quality they be, even though they were emperors, or kings, or princes, dukes, earls, barons, and other potentates whatsoever over kingdoms, provinces, states, and territories, counsellors and senators, or invested even with any episcopal dignity. Renewing the decrees set forth concerning these things by the sacred canons, as well in the last council of Lateran, as in other general councils, even with the censures and punishments contained in them."

Now, let any man who is not resolved to be a dupe or a slave to Popery, compare these two sections with the next Papal bull, on the restitution of property taken in an unjust war, published by these Popish Bishops. Let him mark in the latter bull how every iota of Protestant property in this country, lay and ecclesiastical, is subjected to the law of restitution, and then let senators and legislators, and governors, and all landed proprietors, ask themselves—what is their prospect in the compromise they have made with Popery on the church property in Ireland? What miserable trifling it is to talk of making peace with a superstition that declares war against the world, usurps a domination over men's liberties and properties and lives, against which no laws afford security, and no length of time prescription. Here appears the principle which, when you find a man who has enough of the spirit of an open traitor to confess his real sentiments, you will see declared without disguise. So you have it in Dr. M'Hale's letter to the Duke of Wellington. He says—

"Your Grace is not, I trust, one of those persons who imagine that the mere will of a Sovereign or his Ministers imposes the obligation of law; nor is it, I trust, your impression that every enactment brings with it that solemn sanction, provided it is passed by a majority of the senate."

Here we have this Papal traitor openly declaring that that which imposes the obligation of law on every loyal subject in the empire, has no obligation for him, nor of course for those whose consciences he directs—his priests and their flocks. Why? Because they are bound by a previous oath—a previous obligation, of which they acknow-

ledge the validity to their master, the Pope. These bulls are the laws they are sworn to obey. The British Protestant Sovereign is an excommunicated heretic, and therefore the laws of the empire have no obligation for those who not only refuse to acknowledge, but denounce and accurse the authority that enacts them.

The 19th section is as follows:—"In like manner we excommunicate and curse all and every, magistrates and judges, notaries and scribes, executors, subexecutors, in any way whatsoever interposing themselves in capital or criminal causes against ecclesiastical persons, by processing, banishing, arresting them, or by pronouncing or executing any sentence against them, without the special, specific, and express license of this holy apostolic see; and those who extend license of that sort to persons and cases not expressed, or in any other way wrongfully abuse it, even though such offenders should be counsellors, senators, presidents, chancellors, vice-chancellors, or by any other name entitled."

Here we see the Papal principle brought into operation, by which all the clergy are exempted from law—a principle laid down both in Dens's Theology and all their works of authority of the Ultramontane school, and, I believe, of the Gallican too. But it is evident from this, that neither Bishops nor Priests look on the laws of England, as far as they are concerned, except as those which they can have no conscientious obligation to obey, and all who dare to enforce them against them are excommunicated and cursed heretics.

The 20th section denounces those who invade the Roman territory.

The 21st ordains that this Bull continues in force till superseded by others.

The 22d section reserves all the cases of those who dare to violate this bull to the Pope, and commands that none who do so can receive absolution at any but his hands, except in the article of death, whether they be kings, emperors, or any others.

The 23d is as follows:—"If by chance any, contrary to the tenor of these presents, should *de facto* presume to bestow the benefit of absolution upon such as are involved in excommunication and anathema, or upon any one of them, we include them in the sentence of excommunication



intending afterwards to proceed more severely against them, both with spiritual and temporal punishments, as far as we shall learn the same to be expedient."

Now, this section evidently can only apply to Popish Priests and Bishops; and what do we see from this? That they are all so bound to the execution of this bull, and to enforce the excommunication which it pronounces on the people, that if they dare to absolve a man who has violated it, they are themselves excommunicated by this bull, and to be proceeded against by the Pope, both in temporals and spirituals—deprived, as by the Bull "*Pastoralis Regiminis*," (p. 148,) both of their orders and offices, and unable to obtain pardon but from the Pope himself. What power in the British legislature, or what sanctions of British law can be brought into operation to meet a system such as this? What man who has common sense needs to be told that this is the code of laws that really governs Ireland, and that the laws of the British constitution are a dead letter on the statute book?

The 24th section declares that no absolution, even from the Pope himself, can avail anything, unless the criminals desist from their offences, and revoke and annul any acts they have done, or laws they have passed against ecclesiastical liberty.

The 25th section is as follows:—"Notwithstanding any privileges, indulgences, grants, and letters apostolical, general or special, granted to the above-mentioned persons, or to any one of them, or to any other persons, of whatsoever order, station, or condition, dignity, or pre-eminence they be, although, as is aforesaid, they were bishops or emperors, or kings, or eminent for any other ecclesiastical or secular dignity; or granted by the aforesaid See to their kingdoms, provinces, cities, or places, for any cause whatsoever, even by way of contract or remuneration, and under any other form and tenor, and with any clauses whatsoever, even though derogatory of those which derogate from them, or even containing that they shall not be excommunicated, accursed, or interdicted by any apostolical letters not making full and express mention, and exact repetition, word for word, of this sort of grant, and of the orders, places, proper names, surnames, and dignities of the said persons: as also notwithstanding all customs, even immemorial, and prescriptions howsoever long, and any

other observations whatsoever, written or not written, by which the aforesaid persons and places may be able to assist or protect themselves against these our processes and censures, that they may not be included in them. All which, as far as relates to this matter, and the whole tenor of them all, as if they, nothing at all omitted, were verbatim inserted in these presents, we, considering them as expressed, utterly abolish and entirely revoke: and notwithstanding all other pleas whatsoever which may be alleged to the contrary."

Here it is clear that no possible privilege or contract, oath, bargain, covenant, custom, prescription, or observance can properly protect either a Protestant sovereign, or the subjects of a Protestant sovereign from the effects of this bull, when the Popish Bishops can by any means get it into operation; and wherever they have a Popish population, there they can work it thoroughly by their Priests. The laws of England, and the strong exclusive Protestant constitution, has secured the abbey lands and church lands there, so long as that power can be maintained; but, when that is enfeebled by the progress of Papal corruption among the people, the grant of the Pope sent over to Cardinal Pole, (for which see the 26th section of the Bull on Restitution, p. 55,) is here proved, as well as from its own evidence, to be not worth a straw. Whatever Papal power can accomplish, Papal perfidy is ready at the Pope's nod to do, and their laws we see bear them out in it all.

"26. But that these our present processes may be more easily brought to the public knowledge of all persons, we will make the papers or parchments containing the processes themselves to be appended, in the city, to the doors of the church of St. John of Lateran, and of the church of the Prince of the Apostles, that those whom processes of this sort concern may not be able to pretend any excuse, or to allege any ignorance, as if they had not come to their knowledge, or as if they were ignorant of them, since it is not likely that that should remain unknown which is openly published to all."

The next four sections of this bull insure its universal publication and reception. They are as follow:—

"27. Moreover, that these processes themselves, and these present letters, and all and singular the things contained in them, may become better known, the more cities

and places they are published in, we, by these writings commit, and, in virtue of holy obedience strictly charging, give it in command to all and singular patriarchs, primates, archbishops, and ordinaries of places, and prelates, where-soever constituted, that, after they shall have received these present letters, or have knowledge of them, they, by themselves, or by some other, or others, once in the year, or even oftener if it shall seem expedient, solemnly publish them in their churches, when the greater number of the people shall be assembled in them for divine service, and bring them (the processes) back again to the recollection of Christ's faithful people, relate them, and declare them.

"And furthermore, we command that all patriarchs, archbishops, bishops, and other ordinaries of places, and prelates of churches, as also rectors and others having cure of souls, and priests, secular and regular, of whatsoever orders, deputed by any authority to hear confession of sins, have a copy of these present letters in their possession, and diligently study to read and understand them.

"Our will is, that the same credit as would be given to these presents, if they were produced or shown, shall in all places be altogether given, in judgment and out of judgment, even to copies of these said presents even printed, subscribed by the hand of a public notary, and fortified with the seal of the ordinary judge of the Court of Rome, or of any other person in possession of ecclesiastical dignity.

"Therefore, let no man at all infringe, or with audacious daring oppose this our letter of excommunication, curse, interdict, innovation, innodation, declaration, protestation, abrogation, revocation, commission, mandate, and will; but if any one shall presume to attempt it, let him know that he shall incur the displeasure of the Almighty God, and of his blessed Apostles Peter and Paul.

"Given at Rome, at St. Peter's, in the year of our Lord's incarnation, one thousand six hundred and ten, on the sixth of the Ides (that is, the 8th) of April, in the fifth year of our pontificate."

These four last clauses have been most carefully obeyed in Ireland, since the year 1808, at all events; for then was Denis selected by all the Popish Bishops as the best guide for their Priests to direct the consciences of the

people ; and, in the 6th volume of that author, this bull is briefed for their instruction.

Thus, as has been shown, while Dr. Doyle was swearing before the committee of the Lords, and Dr. M'Hale before the Commissioners of Education, that it was not published in this country, not only was it published then by the Bishops to the Priests and by the Priests to the people, but, after they gained the end of their oaths, we see it referred to in their digest of canon law as a law not only in force, but supposed to be universally known and admitted by those for whom these laws were set up as the infallible statutes of their church.

**TRANSLATION FROM THE BULL FOR THE RESTITUTION OF THE CHURCH PROPERTY AND ALL FORFEITED PROPERTY IN IRELAND.—(p. 38.)**

The first section states the circumstances of the place on which the question of restitution of property taken in an unjust war was raised for the decision of the College de Propaganda Fide, and all those sections or parts of sections which throw light on the question, or can interest the English reader, are translated.

The title of the Bull, which was accidentally omitted, from the Latin Bull, is as follows :—

“ Of the goods of churches which being once seized by unbelievers then come into the power of Christians.

“ Epistle to Nicolaus Lercari, Secretary of the sacred congregation for propagating the faith, on occasion of the questions proposed to the same congregation by the Archbishop of Antivari.

“ Benedict XIV., Pope.

“ Beloved Son,—Health and Apostolical Benediction.”

The 1st section is as follows :—“ The city of Antibarum, in the Italian, Antivari, called so because it was built on the coast of that country which is now called Albania, opposite to Barium, a state of Apulia, was long since, as you know, subjected to the Ottoman yoke, namely, from the year 1571, as Jacob Diego, a senator of the republic of Venice, testifies in that beautiful history of the same republic which he has recently published.—vol. ii. book 7, p. 261. Nor were the Venetians able to recover possession of it, although they attempted to do so with great

exertions of valour, both in the year 1648, and also in 1717, as the same historian relates." \* \* \* \* \*

"Section 2.—Our venerable brother, the present Archbishop of Antivari, to be highly extolled with praise for his pastoral zeal, when he had visited his diocese, and had sent the acts of his visitation to the Congregation de Propaganda Fide, requested that light should be afforded, and aid given to him by the same, on the two following heads. In the first head he explains that the Turks having got possession of Albania, had seized a great part of the goods belonging to the churches, of which some were afterwards sold to Christians, but others were given to the same to cultivate. On the second head he states, that some among the Christians, having houses near to churches that had been overturned, and lands contiguous to the lands of the churches, had usurped lands and tenements formerly belonging to the same churches. He asks, therefore, how he ought to conduct himself in these difficulties, and whether any or what remedy can be applied to these evils, declaring he will use the light afforded to him so that by suitable (opportunis) documents he may instruct the confessors, who vehemently desire them. While there are some of the possessors of this property who care nothing on the subject, but others wish to lull the stings of their own conscience, and to be absolved from those censures which they know to be decreed (statutas) and enacted (latas) against those who detain the goods of the Church. The Archbishop adds, moreover, that this same thing which, in making the aforesaid visitation, he found to have happened in his own diocese, happened also in the other dioceses of Albania; so that as they were about to undertake a great work, he greatly feared they might go to excite great tumults and discords."

"Section 3.—Each of these heads being maturely discussed in the Congregation de Propaganda Fide, the congregation thought that the Archbishop ought, having called to him the missionaries, parish priests, and confessors, to enjoin the same, that they should show to the penitents, that they could not, without condemnation in their own conscience, detain those goods which, formerly belonging to the churches, then having been seized by the Turks, had come into their hands, whether they had bought them from the Turks themselves or had seized

them as being abandoned to their possession; and that, therefore, it was altogether necessary that they should have some legitimate title by which they might comfort themselves (*confovere se*) in the possession of those goods; and that the whole difficulty lay in finding a new legitimate title of this description. Wherefore the congregation itself proposed that those possessors ought to come to the Archbishop, and to lay before him a distinct exhibition of the quantity and quality of the goods which had so come to them from the ancient property of the churches; but that it was to be left to the equity and prudence of the Archbishop himself, that as far as it was lawful, he might provide both for the utility of the churches, and endeavour to procure a new legitimate title for the possessors, by admitting them to new contracts, suppose copyhold (*emphyteuticos*); even the smallest fines being imposed according to the power which had been granted by us to the aforesaid Archbishop. Finally, it concluded that this facility was to be afforded only to those who, being invited, had come to make the aforesaid exhibition; the contumacious being abandoned to their own destruction. Since all these things have been diligently related to us by you, O beloved son, according to the duty of your ministry, and you have supplicated for a timely concession of a faculty; but we, having devoted some time accurately to inspect and weigh the matter, have now at length determined to reduce to writing our opinion on this affair, which may produce effects of great moment."

The fourth section comes to the point at once, and shows us what the Church of Rome thinks of a settlement of property taken in what she chuses to call an unjust war. It is as follows:—

"Section 4.—*Truly, it cannot be called into doubt by any one, that whatsoever is taken in a just war, which belonged to the enemy, passes into the power of the conqueror: to wit, chattels into the power of him who shall first have seized upon them, but real property into the possession of the supreme governor, who waged the war, that he may satisfy himself for the expenses of the war; sometimes also, that he might acquire greater power for his defence, and protect himself against future disasters. Likewise, it is beyond all dispute, that all that which is taken in an unjust war is to be restored, since an occupation of this sort is*

*nothing else than formal rapine.* So teaches St. Thomas, Secunda Secundæ, Quæst. 66, Art. 8, in the beginning. These are his words :—‘About plunder we must make a distinction, because if they who plunder an enemy wage just war, those things which they acquire by force become theirs ; and this does not possess the character of rapine ; whence neither are they bound to restitution ; but if they who seize on the spoil wage an unjust war, they commit rapine, and are bound to restitution.’ ”

The rest of this section adduces examples of restitution from ancient history.

“Section 5.—Hence it is plain, since the war in which the Turks seized on Antivari was beyond all doubt unjust, whatsoever was taken and seized by them on that occasion, whether chattel property or real property, they seized it unjustly, and committed real rapine therein ; wherefore all reason of justice would demand, that all things should be restored by them to the faithful, whom they unjustly despoiled of their property ; or, they being dead, to their heirs and successors. But this is not the subject of the present question, and if it was, it were vain to treat about that which ought to be done in ruined and desperate circumstances. The hinge of the question turns on that property which the Turks sold to the Christians, and which is now detained by the purchasers ; and it is demanded, whether those who bought it, or who are the heirs and legitimate successors of those who bought it, can retain it with a safe conscience ; or whether they are bound to restore the same to their lawful owners ; and that the rather on this account, because the question concerns property belonging to churches and monasteries, the unjust detention of which is visited with the punishment of censures ; and also because, since ecclesiastics, as well as foreigners, in wars, are no part of the state that injures, reason demands, that neither the persons of the one nor the other be injured, nor that they be disturbed in their property, as is read in the decretal : *Innovamus*,” &c.

The remainder of this fifth section, and all the other sections down to the sixteenth, treat of the opinions of casuists and jurists as to chattel property taken in an unjust war.

“Section 17.—We have said that those things which have been above stated only claim a place in chattel pro-

perty ; but the decrees published in the year 1630 speak of chattel property, and the above cited authors also speak of chattel property. We have intimated also that it is to be doubted whether any difference of right exists between chattel and real property ; and the reason of this difference is now to be explained by us. The foundation on which the opinion rests, that the faithful may retain with a safe conscience chattel property which they have bought from the Turks, but which was taken by the Turks in an unjust war from other Christian men, is laid in the presumptive will of the original owners, which truly either consents, or at least does not dissent at all, that their aforesaid chattel property may be acquired by others of the faithful. For no fruit accrues from chattel property ; but their owners ought to bear more willingly, or at least with less regret, that they should come into the power of Christians, rather than remain in the dominion of Turks, by whom they would be more easily dissipated ; as Molina well says, &c. But since this reasoning, taken from the presumptive will of the owners cannot be extended to real property which the faithful buy ; as well because the masters lose the accruing profits, as because there is no apprehension of the dissipation of property of this sort ; hence arises that indicated difference of the right which intervenes between the acquisition of chattel and real property ;" (here some authorities as to this are quoted. He then proceeds)—“ which things being thus, it has been before concluded by us, that any one may easily contend, that, for the reasons adduced, it may be conceded to the faithful, that they may retain, with a safe conscience, chattel property bought from the Turks, although they have been seized by them in an unjust war, provided they are ready to restore them to their owner, who may wish to redeem them at the price they have cost ; but this cannot be equally affirmed of the purchaser of real property. We now proceed to demonstrate this, by weighing the judgments and reasonings of authors on the subject.”

“ Section 18.—Father Leonardus Lessius died before the decree of the year 1630 came forth, namely, in the year 1623. In his theological work on St. Thomas, are to be found the resolution of some cases of conscience, in the sixth of which, under which the word ‘beneficium,’ he proposes to himself the following question, the second in



order—‘Whether Catholics can buy from heretics ecclesiastical property?’ And he thus answers—‘That it is not lawful for Catholics to buy the property of churches or monasteries seized and confiscated by heretics, unless with the intention of restoring them in due time to their lawful owners, with all the emoluments and fruits which have proceeded from them; because that property, on the face of it, belongs to another, so likewise the proceeds.’ From which it follows, as we shall show hereafter, that the purchaser can never re-demand from churches and monasteries the price of property of this description paid by him. But when he foresaw that it would be objected to him, that that property, unless Catholics had bought it, would have remained in the power of heretics who would receive the fruits of it, HE ANSWERS, THAT THIS IS NOTHING TO THE PURPOSE, SINCE HERETICS ALSO SHOULD BE OBLIGED TO RESTITUTION. Finally, he counsels Catholics, that, when treating with the owners of property, they should bargain and enter into new contracts with those, in the occupation of whose property they could retain possession with a safe conscience.

“Section 19.—After the decrees of the year 1630, the following authors wrote, making express mention of them: Verjuys, in the place before cited, recedes from the opinion of Lessius in that which regards the restitution of the fruits: but he agrees with him as far as relates to the restitution of the property, although the owner should not repay to the purchaser the price he had given for it. But he places the reason of this opinion in a pre-supposed good faith, which, if it were really present, might exempt the possessor from the restitution of the fruits indeed, but by no means from the restitution of the property. He says, ‘that Catholics possessing *bona fide* monasteries, houses, temples, or any similar real property, can keep them for a time in peace, so long as they cannot be occupied by their proper owners, nor in the mean time are they bound *ad interesse* (qu.) or to pay any thing for the fruits.’

“Section 19.—Arsnekinus, in his ‘Theologica Tripartita,’ tom. ii. part 2, tract 6, quæ. 10, demands:—

“Whether Catholics can buy the goods of other Catholics seized on by heretics in an unjust war? And he answers that it can be done,

“1st. If the will of the owners consents to it.

"2d. If the Pope gives his assent ; to support which he cites the aforementioned decrees, published in the year 1630.

"3d. If, treaties being concluded between Catholics and heretical princes, it should be provided that heretics may retain the properties of Catholics, and freely dispose of them. All which reasoning is foreign from, or does not apply to, the present question. For here this pious author doubtless speaks of real property ; for, among the other reasons of his opinion, he weighs the utility and profit to the Catholic faith ; to which he asserts, it would be more profitable that property should be in the hands of the orthodox than in those of heretics. 'And truly,' he says, 'for many causes it appears much more profitable that this property should, by such purchase, devolve into the hands of the Catholics, because they could so much more powerfully protect and propagate the faith, than if it remained continually in the hands of heretics ;' which reasoning applies to real property, but not to chattel property.

"But these reasons set forth by this author, and just now referred to by us, *are of little or no force*, for when the faithful buy estates, formerly belonging to Catholics, and taken from them by heretics in an unjust war, the will of their original possessors (of which he spoke above) cannot be presumed to acquiesce."

This denies the first principle.

"But the decrees published in the year 1630, which treat of chattel property, cannot be applied to real property."

This denies the second principle ; now for the last.

"Finally, CONVENTIONS AND TREATIES ENTERED INTO BETWEEN LAY CATHOLIC PRINCES AND THE HETERODOX (OR HERETICS), AS TO THE POSSESSION AND DETENTION OF PROPERTY OF THE CHURCH ARE DISALLOWED BY THE APOSTOLIC SEE : as P. Schmalygrueber proves at length in the first volume of his 'Counsels,' Counsel 15, Qu. 1 ; and these are the conventions to which this fore-cited author alludes.

"Section 20.—Father Carolus Franciscus a Breno, in his 'Manual of Oriental Missions, tom. ii. lib. 1, c. 3, qu. 21, proposes this question,

"Whether ecclesiastical property redeemed from infi-

dels, ought necessarily to be restored; or, at least, some transfer to be made? (*transactio adhiberi*), and he answers that it is to be restored, as well because the Christian, knowing that it is the property of the Church, possesses another person's property *with a bad faith, as because the infidel robber could not transfer to the Christian purchaser a right greater than that which he himself possessed over the property sold.* Therefore if the seller, by the crime of the rapine, had acquired no right over the property violently taken away, occupied, and afterwards sold—so neither, by parity of reasoning, can he who bought it be said to have acquired any right over the same. Then, finally, because it is a general rule, that he, who, (though ignorant of the theft) buys anything from a thief, is bound to restitution as soon as the true and lawful owner appears.'” The rest of this, and the 21st section do not materially bear on the case.

“Section 22.—Therefore we seem to ourselves by no means to contravene the decrees of the year 1630, if we assert that the opinion is well-founded, which vests the right of real property in its original possessor, so that he may (without any restitution of price) recover his own property, with all the fruits accruing from thence, from him who purchased them for a sum of money from the invaders. For the nature of an unjust war, in which property of this description has been seized on, demands this.

“This also is proved by the opinion of those authors who teach, on the soundest principles, that he who doubts or suspects that he is buying a stolen article cannot re-demand from the true possessor the price which he paid to the thief.

“The purchaser of bad faith (*malæ fidei*), if he buys a thing which he either knew or doubted, or suspected to be stolen, could not re-demand from the owner of that thing the price which he paid to the thief who sold it, since he has no just title to make that demand.

“These are the words of *Sylvius*, on the *Secunda Secundæ* of St. Thomas.

“The common opinion, also, of those proves this, who teach that even he who bought a stolen article, *bona fide*, either from the thief himself or from another, is bound to restore the same to its owner; nor can he demand from him the price paid for it, as can be seen in the ‘*Summa*’ of Sanchez, lib. ii. (cap. 23, n. 2.) And in the work of

Bonacina, tom. ii., 'De Restitutione in Genere,' dis. 1, qu. 2, punc. 1, prop. 1, n. 4. This is also deduced from the rule which the superior tribunals follow, by whose authority it is decreed, That the property of the churches seized on by heretics, as soon as it escapes from their hands, immediately, *ipso jure*, returns to the churches to which it belonged, as may be seen in the 'Decisiones Herbipolen Monasterii,' June 10, 1708, confirmed the 17th day of the same month, before Caffarillio, of happy memory, in 'Decision' 562, n. 1, tom. 5, before Lancetto, the Dean of happy memory.

"So prescribes the far-famed text of Innocent III., in chapter '*Sæpe*,' on the restitution of things plundered. For when the civil law granted the benefit of the interdict, '*Unde vi*,' or of restitution, only against him who had thrust a man out of his possession, and against his heirs in general, as the laws, 1 sec. ult., and 2 sec. '*unde vi*,' but not against him into whose power the plundered property had come, as appears from law 7, sec. same title; even though he, when he bought the plundered property, was not ignorant that it was stolen; and that, for this reason, that the interdict, '*unde vi*,' had been directly levelled against the man who had offered the violence; as the words are, 'from which you have forcibly dispossessed him.' This disposition of the civil law seemed by no means safe to that great Pontiff, and therefore he decreed that the remedy of the possessor, '*unde vi*,' might hold good against him who had not, indeed, himself committed the plunder, but who had bought from the plunderer that which he knew to be another man's, and fraudulently taken from him.

" 'Notwithstanding the rigour of the civil law, we decree that if any one shall have knowingly received such a thing from another, since he succeeds the spoiler as it were in his crime, and against the true possessor, that a remedy shall be had against plunder of this kind by restitution.'

"And he gives the following reasons for his decree:—

" 'Because it differs not much as to the peril of the soul to detain a man's property unjustly, or to seize on it.'

"Finally, the adage of the canon law demands this, which is in the canon '*Rapinam*,' 14 quest. 5, where this is stated, 'To buy that which is plundered is not lawful,

unless with the intention that it be restored to the person from whom it was taken.

“Section 23.—But if these things which have been said, have a place in the case of those who buy lands seized by unjust invaders, and these are bound to restore them without any price, by what excuse can they defend themselves who, as the Archbishop of Antivari states, have invaded by stealth, lands and tenements belonging to churches and monasteries, and have usurped them by reason of their adjacence or proximity? how can they free themselves from the obligation of restitution, to which they are manifestly bound? The civil laws by no means admit the use of possession for a long time in stolen property, on account of the fault of bad faith.

“But, since a question arose among the ancient sages, whether theft had any place in real property, or only in chattel property; and when the opinion of those prevailed who asserted that theft was only to be understood of chattel property; having then gone on further, they agreed on this, that if any one, without violence, although with bad faith, had usurped the possession of any real property, he could not make property of this kind his own by the use of possession; but another could, who had received this from him *in good faith*, as can be seen in (here is the reference to the law) and also in the *Institutions of Justinian*. But neither did the immoderate laxity of the authors of the civil law stop here, who held it sufficient to confer a right use of possession, that good faith should have existed at the commencement of the obtaining possession, not at all solicitous if bad faith had supervened. (Here is a reference.) But the sacred canons of the Church, looking to nothing but equity and the salvation of souls, have taken away many useless subtleties, decreeing that no prescription could be brought in, unless good faith accompanied the beginning, and the middle, and the end of the possession: Since ‘whatsoever is not of faith is sin,’ we define by our judgment of the Synod, that no prescription, either canonical or civil, can avail without good faith; since generally every constitution and custom is to be excepted against, which cannot be observed without mortal sin; whence it is fit, that he who pleads prescription should, at no part of the time, have a conscience of its being another man’s property.’ These

are the words of Innocent III., in his last chapter concerning prescriptions. But this good faith cannot be admitted in any of those about whom the present consideration is ; since it is not credible that, in such a long course of asserted use of possession, they had no knowledge that the property occupied belonged to the Church."

It seems of importance to add to this the following :—

Section 26.—When in the time of Mary Queen of England, the most weighty province was committed to Reginald Cardinal Pole of happy memory, of reconciling England itself to the Church of Rome. The Pontiff, Julius III., in a brief dated March 8th, 1554, granted to him the faculty with reference to those who had unjustly seized on the possession of ecclesiastical property, and who might return to the bosom of the Roman Church, of entering into an agreement and arrangement as to the profits unjustly received and the chattels consumed, "having restored first, if it seem to you expedient, the real property unduly detained by them," as may be seen tom. 4, *Conciliorum Magnæ Britanniæ*. But because in the execution of the matter it was probably discovered that these faculties were too confined, in another brief dated June 28 of the same year, he bestowed on the Cardinal, "with reference to any possessors or retainers of the property of churches, whether chattel or real, in the aforesaid kingdom, for whom her serene Majesty Queen Mary herself shall have interceded, a full and free power of our authority as to the goods unduly detained by them, of treating, agreeing, arranging, compounding, according to your own judgment, and dispensing with them that they should retain the aforesaid goods in their possession, without any scruple—of consulting and doing all and singular other things which shall have been in any manner necessary and opportune in these matters and about them, saving however in these, in which, on account of the magnitude and weight of the affairs, this Holy See seems to you justly to be consulted, our good pleasure and confirmation and that of the aforesaid See." This brief is published in the aforesaid volume 4, p. 102 and 103, and in the annals of Raynaldus, in the year of Christ 1554, num. 8.

But the aforementioned Cardinal, "lest new commotions should be thence excited, all ranks demanding and pressing, was obliged to declare in a public instrument, in the name

and authority of the Pope, all persons for ever secure and free from canonical punishments and censures as to all goods and possessions of this description." These are the words of Spondanus in the same year 1554, num. 4. To these agree Sanderus de Schismate Anglicano, lib. 2, p. 349, edit. Rom., an. 1586. Devanzatus in sua historia Schismatis Anglicani, edit. Florent. an. 1628, p. 91, who all equally concur in celebrating the prudence of the aforesaid Cardinal, by which he transacted a most difficult affair, preserving the dignity of the Church."

The review of this Bull, as compared with the principles of the men who have published it, leaves not the slightest possible doubt of their object and intention in its publication. The Bull itself is perfectly clear. The principle of restitution laid down in it, from beginning to end, hinges upon one single point, namely, whether the property to be restored has been taken in an unjust war or not? If it has, then whether it be ecclesiastical or private property, no matter by what laws, what settlement, or what prescription it may seem to us to be secured,—no laws, no settlement, no prescription, can possibly protect it. Whenever Popery can gain the power or opportunity, restored it must be.

This is clear from the 5th section, with respect to Church property; and there is a remarkable principle laid down in it, viz. that "*Ecclesiastics are no part of the state,*" that is, Bishops and Priests of the Church of Rome do not belong to the state,—they are exempted from its laws,—they are not its subjects—they are the subjects of the Pope, and those who dare to impugn or subject them to any processes of law before secular courts, are, as we have seen in the Bulla Cœnæ, excommunicated and cursed by the Papacy; so that no church lands could ever be justly taken from them, and therefore all must be given up, that ever have been taken from Popery in any war, even if they have fallen into the hands of Roman Catholics; and for heretics to suppose that laws or treaties can secure them is of all notions the most absurd.

The Bull, it may be observed, is throughout made a case of conscience. This is the great wisdom of Satan, through all the Papacy; he does not use the laws or the policy or the reasoning of the world to protect his religion, but he makes religion the instrument by which to regulate all the laws, the policy, and the reasoning of this world.

So, whether it be property, or liberty, or life he chuses to attack, it is all done as a matter of religion. Here it is not laid down that Papists are to take up arms against Turks or heretics, to make them give up property taken in an unjust war. Not at all; that would be making war the foundation on which religion was to be maintained, and thus put the protection of religion into the hands of warriors. The inventor of Popery is too wise for this. No, he makes the restitution of this property a holy case of conscience, which the Priests are to arrange in the confessional,—they are to have the understandings and consciences of all the Romish holders of forfeited property, and of all who ought to gain this property taken by heretics, in their own power, and to stimulate or to restrain them by their holy commands as they please. Thus, instead of making war the foundation, or warriors the guardians of religion, Satan has his ecclesiastics as the rulers of war—they have the mind, and the conscience, and the property of their poor slaves at their feet; and, when they see the convenient time for the church to move them, they are ready with a holy zeal and holy wisdom for the day of St. Bartholomew, or any other day that is best adapted for their purpose. The Church is the watchword, and religion is the motive. So this is actually the case, even when they put a wretched being to the torture. Look at their canon laws for the regulation of the torture in their standards of Maynooth, and you see the Inquisitor smiles and reasons with his victim with most holy and tender compassion for his soul, as he sits counting his rosary to mark the number of lashes of the executioner,—it is all holy love. (See the translation of their documents, in the Report of the Bath Meeting, of March, 1838.)

So here, in this law of restitution, it is all treated as a pure case of conscience—a pure matter of religion—and St. Thomas, Sanchez, Sylvius, Benedict XIV., and all the Holy Popes and Jesuits sit in judgment on any act of settlement that can be made in a heretical country; and instruct the consciences of the faithful, that they are bound to restitution if they hold any forfeited property under it; and then mark the irresistible conclusion. If the faithful servants of the Church are bound to restitution, then ten times more the enemies of the Church must be bound to it too. (See Sec. 18.)



Let the 18th Section of this Bull be compared with the evidence of Dr. Murray and Dr. Doyle on Property.—(pages 25 and 26.)

Let the whole Bull, and their present conduct, be compared with the confederated oath of the whole body of the Popish Bishops.—(p. 28.)

Let the past and present attacks of O'Connell on Church property, and on the properties of the Irish Protestant landlords be compared with his own evidence. (Pages 29, 30, 31.)

Let all the evidence, all the protestations, all the promises, and all the oaths of Bishops, Priests, and Laymen, abjuring the principle that "*no faith is to be kept with heretics,*"—let all these be compared with the 19th section of this one Bull, in which the principle of treaty, of agreement, of compact, of settlement of property by law, between Protestant Princes and Papists, is plainly and clearly laid down, and as plainly and clearly declared to be null and void, because disallowed by the Pope. Let it be remembered, that this is published by the Popish Bishops to govern the poor Roman Catholics of Ireland, since all their oaths were believed and they gained political power; and then let no man in the empire, except a Popish priest—no man of truth, no man of common principle, common honesty, or common sense, ever say, that Popery is any thing but an accursed apostasy from the Christian religion—a system more debased than Paganism in its morals; and let no man in any department of Church or State arrogate to himself the name of Christian, who, instead of making a base compromise with such a system, under the name of liberality or charity falsely so called, does not speak with truth, with candour and bold fidelity upon the subject, in his vocation as opportunity shall present itself or duty demand, and call in a spirit of Christian kindness and regard upon his poor Roman Catholic countrymen, who have been unfortunately born under its degrading influence, to come out, with their Protestant fellow subjects, and protest against it, as a system that cannot endure the investigation of any upright man, much less the judgment of the Holy God.

And now, with reference to the last section which has been translated, the 26th, what is the actual fact discovered by this Bull, with respect to England? It is this,—that

every single acre of church land that has ever been forfeited in that country, is claimed at this moment by the Pope, as subjected to his authority. He has granted a dispensation indeed to those who hold these lands, and who have returned to the bosom of the church, so that they may keep possession of them. But, as to all that are held by heretics, let them rest assured that if ever Popery should prevail in England, so as to be able to assume the reins of power, forfeiture, or subjection to the Pope is the alternative proposed to them. Dugdale's *Monasticon* is on record against them. They may flatter themselves, as they do in their present indolent and ignorant security, but it is more likely, if Protestants continue in their present state, that the judgment of God will consign them to the dominion of the Papacy, within twenty years to come, than it was ten years ago, that half the Irish Bishops and more than one-fourth of the income of the Irish clergy should be thrown as a sop to Popery, by a Sovereign of the House of Hanover, and by the Protestant members of a British Parliament,—that the Bible should be withdrawn as the standard of instruction, even for Protestant children, from the National Schools of Ireland—and that the government of England should have been so thoroughly debased, that, in order to purchase the favour, and the political support of Popery, the almost entire patronage of the Irish government should be thrown into the hands of a Papal perjurer. If every person in the empire can name the individual, and if every honest man in the empire is disgusted not only with the openness and the impunity, but still more with the reward of his crimes, then names and circumstances are unnecessary to the illustration of the truth.

No further remarks are necessary on this Bull, except to request the reader to compare it with the examination of Dr. Slevin, the professor of canon law in the college of Maynooth—(pages 32 to 36)—and to mark his denial and evasions of the principles of this Bull, which is now set up by the Archbishop and Bishops of his province, for the restitution of that property which he pretends in his evidence on oath to be so secure.

Having translated the law of the Diocesan Synod of Benedict XIV. (pp. 97—99), by which the Bishops are bound to exterminate heretics from their Dioceses.—

Having also translated the third canon of the 4th Lateran Council (pp. 102—104), that law of perjury, confiscation, persecution, treason, and slaughter, on which they found their authority for this extermination—Having also translated the canon of the Council of Vienne (pp. 109—112,) in which the process of regulating the Inquisitorial system of arrest and incarceration in their cells of darkness and torture, which they are at this moment constructing, and have constructed under their public edifices for the time when it may be expedient, that is when they can have power to carry their crimes into effect—We shall pass on to the next Bulls, by which we see the heretic is to be dragged even from a church to be put to torture, or to death as the case may be.

TRANSLATION OF THE PAPAL BULL, SET UP BY THE  
POPIISH BISHOPS OF LEINSTER, FOR DRAGGING HERETICS  
FROM CHURCHES, AND PUTTING THEM TO TORTURE OR  
TO DEATH.—A.D. 1832, - (see p. 117.)

OF THE DRAGGING FORTH OF CRIMINALS, RELATING TO  
THE OFFICE OF THE HOLY INQUISITION, FROM PLACES  
OF PROTECTION TO WHICH THEY MAY HAVE FLED.

*An Encyclical Letter to the Inquisitors, deputed against  
heretical pravity.*

BENEDICT XIV., POPE.

Beloved Son, Health and Apostolical Benediction.

At the close of the last year, 1750, an Apostolical Constitution was published by us, given in the Ides of March the beginning of which is "Officii Nostri," and which treats of the local immunity of churches. In that, we, adhering to the constitutions of our predecessors, Gregory XIV., Benedict XIII., and Clement XII., having removed certain cavils and subterfuges, by which the execution of them was impeded, decreed and appointed that he who was accused of an excepted crime, if at any time he should fly to a place of protection, ought to be dragged forth from it, **AS OFTEN AS PROOF SUFFICIENT FOR THE TORTURE COULD BE HAD**, which should prove his crime; and that moreover he should not be dragged forth unless by the authority of the Bishop and with the

intervention of some ecclesiastical person, to be deputed by the same Bishop; and at length that when he was handed over to the secular power, censures were to be declared to be incurred by the same, unless the person who had been dragged forth was to be restored to the church as often as in the progress of his cause the proofs had been cleared off on which the accused was charged with the perpetration of the crime.

But because our before-mentioned predecessors had decreed that the extraction from a place of protection should not be made, except by the Bishops alone, or by Prelates who were their superiors, excluding inferiors, although they were ordinaries and of no diocese, and those having a separate territory, in which case the extraction of the culprit should devolve on the neighbouring Bishop, the same has been likewise decreed by us in our aforecited constitution.

The preamble of this Bull contains points on which the reader probably requires some information.

In the first place, be it remarked, that the Pope, by this Bull, confirms the bulls of three preceding Popes, Gregory XIV., Benedict XIII., and Clement XII. Therefore, whatever is found in those Bulls is ratified again by this.

Secondly, it appears from these Bulls that the rule by which those who were guilty of any crime that exempted them from the sanctuary of any church as a place of refuge, is this, that they are to be dragged from their sanctuary *as often as proofs of their guilt sufficient for the torture can be found against them.* Now, this needs explanation.

When a heretic, for it is against them that this Bull is quoted, is so notoriously guilty that proofs from other quarters may be had in abundance, so that it is not necessary to extort a confession from himself, then there is no necessity for putting him to the torture: he can be put to death without further trouble. But, if there is only a lesser degree of proof which is not sufficient to found a sentence of death on, but only what they call half evidence (*semi-plena probatio*), then the criminal himself is to be compelled to confess by being put to the torture.

To illustrate this plainly,—If Ireland was in the possession of the Pope, the Rev. Edward Nangle, being a plainly convicted heretic, and moreover very obnoxious to the Papacy, Dr. M'Hale, with a safe conscience, as a good

shepherd whose business is to protect his flock from wolves, could cause him without trial to be degraded from his orders, and burned as an example to all heretics on the highest point of Achill. But, if there were any poor Roman Catholics who had for some time absented themselves from mass and confession, and whom their Priest suspected of being inclined to heresy, and had moreover certain other indications that they had been seduced to listen to this heretic, then they, under this holy law, could be taken and put to the torture and compelled to confess; and, if they fled to Dr. M'Hale's new cathedral and took hold of the altar to protect them, still this were no refuge—they should be dragged from it to some of those convenient dungeons which the Doctor, without all doubt, has constructed underneath it or in some place equally adapted for his purpose.

This is their canon law, laid down in their standards of Maynooth. It is only necessary to quote a canonist of the highest authority in their church, and in that college:

"If the judge sees that the proofs are not altogether clear and convincing, he cannot condemn the accused, especially to capital or corporal punishment; but, if there can be had a proof half conclusive, or even more than half conclusive, (*semiplena aut etiam plusquam semiplena probatio*,) then to-day, sometimes in the secular tribunals, the accused is applied to the torture or the rack, that, by the force of torments, the confession of his crime may be extorted from the accused. (*Ut vi tormentorum a reo confessio criminis extorqueatur*.)

*Van Espen—Jus Ecclesiasticum Universum.—Part iii. tit. viii., sec. xxviii.*

This is the law taught, at the public expense, to educate Popish Priests in the College of Maynooth; and we perceive by these canons and decretals, in which their Bishops drill them in their conferences to instruct the people, that they shall not be a dead letter on the statute book of Rome.

Thus far is necessary to inform the reader what is meant by "*proofs sufficient for the torture*."

The Bull proceeds—

"Section 1.—By adhering also to those regulations which have been decreed in the constitution of Gregory XIV., by which the rule and regulation of local immunity

is prescribed. The crime of heresy, as you well know, is an excepted crime, and he who is accused of it cannot enjoy the refuge of a church. But, since in the congregation of the holy inquisition, held before us according to custom, on the 28th of January of this year, 1751, a doubt was raised what rule was to be observed, and what mode to be adopted, as often as a person accused of heresy was to be dragged out of a church to which he had fled, lest he might be taken to prison, whether when he had escaped from chains in which he was held, or from the galleys, or any other place to which he had been condemned, either for imprisonment or labour, we, who composed the aforesaid constitution in the preceding year, have reserved to ourselves to pronounce upon this matter, which we now intend to set forth by those which we subjoin.

“Section 2.—Either the question is as to the crime of heresy, which comes chiefly under the cognizance of the Holy Inquisition, or of other excepted crimes which do not enjoy the protection of a sanctuary, or of other crimes which are not excepted, and which do enjoy that protection, but therefore belong to that tribunal, because they are committed by some of those who, as being subject to the jurisdiction of that tribunal, ought to undergo its judgment.

“Section 3.—If the crime of heresy is treated of—(Let me now entreat particular attention to the Bull which is here renewed)—since, by our predecessor, John XXI., who is called XXII., in his constitution beginning “*Ex parte vestra*,” in the Roman Bullarium, vol. I., it has been already decreed “that heretics, or those suspected of heresy, also Jews, who, when they had been converted to the Catholic Faith, thence fell into apostasy, if they fly to a church, ought to be immediately dragged out from thence by the inquisitor.” It is by no means our intention to derogate from this aforesaid constitution; on the contrary, it is our will that the same shall be observed, by attending to and following however that method which we now subjoin, namely, that the Inquisitor, as often as a criminal of this description is to be dragged out of a church, should use all diligence that this should be done with all due reverence for the House of God. And, since it cannot happen that before dragging him forth, the proofs which are had against the criminal can be commu-

icated to the Bishop, since the law of the secret by no means allows it, and since where, even if it could be done, it would be wholly useless, since it is known that the sacred tribunal of the inquisition by no means proceeds to a capture, unless an almost complete proof of the crime has preceded. He should not, however, omit this, that either before or after the capture he should certify the Bishop of it, as well on account of the reverence which is due to his dignity, as that as far as possible, that may be carried into effect which has been decreed in the constitutions of Gregory, Benedict, Clement, and ours, which also is decreed thus by us, on this account, because that we have seen formerly in the congregation of the holy office which was held before our predecessor Urban VIII., on the 10th of June, 1638, the case being proposed and the doubt discussed; ‘*Whether a criminal, being charged with heresy, flying to a church, ought to be dragged out by the Bishop or the Inquisitor?*’ the Pontiff having heard the votes, answered ‘*that the criminal can be dragged out by the Inquisitor, the Bishop being certified of it either before or after.*’”

“Section 4.—But when the question is of other excepted crimes, which nevertheless are by no means belonging to heresy, and still more if it is of those which are not counted among excepted crimes (*that is excepted from the privileges of the sanctuary,*) although they may belong to the cognizance of the sacred tribunal, either because they are committed by some person subject to the jurisdiction of the same, or under any other name whatsoever; we declare that those who are accused of crimes which are not at all excepted, ought to enjoy the immunity (*of the sanctuary*); but, as often as those accused of cases excepted, but who are not accused nevertheless of heresy, ought to be dragged forth from a church, all those things ought to be exactly observed, as well those which are decreed in our constitution, as those which have been decreed in the other preceding constitutions, namely, that the *proofs which are sufficient for the torture* ought to be communicated to the Bishop, since the law of the secret by no means prevents this; besides that the criminal ought not to be dragged forth without the authority of the Bishop and the intervention of some ecclesiastical person deputed by him, and that all other things are to be observed which are decreed in the aforesaid constitutions.

**"Section 5.**—What has been said hitherto is to be observed even in respect to those who fly from prisons or from the galleys, or from any place of confinement, and betake themselves to the asylum of a church or any sanctuary ; for if they are accused or condemned of the crime of heresy, they are to be dragged out by the inquisitor, but so that the bishop be certified of it either before or after. But, if they are accused or condemned of any other excepted crime, but not of the crime of heresy, or for any other crime which is not excepted, as to the first let them be dragged forth by the authority of the Bishop and the intervention of an ecclesiastical person deputed by the Bishop. As to the second, let them be suffered to remain in the asylum to which they have fled, although they have fled from the galleys with their chains, provided they are free from the power of the aforesaid galleys or of the other ministers of justice ; unless perhaps the Bishop may have an indult from the Apostolic See that he may be able to drag fugitives from the galleys out of churches, when in this case he may recur to the same for recovering the fugitive, or even to the Apostolic See, if the Bishop should want an indult of this sort, since the Holy See itself, in particular cases, as often as the crime requires it, would by no means refuse the Bishops to impart to them authority of dragging forth from churches those who have fled from prisons and galleys, although not accused of an excepted crime. These things we have to signify to the inquisitors, and meantime we impart to them our apostolical benediction.

**"Given at Rome, at St. Mary Major, on the 20th of February, 1751, in the eleventh year of our Pontificate."**

This Bull, be it remembered, was enacted exactly 88 years ago, and it has been just set up eight years here, by these Papal Bishops, to govern this miserable country.

The Bull of John XXII., quoted in this one, and renewed by it, dated in the beginning of the 14th century, is translated as follows :

**"Heretics, or those suspected of heresy, and Jews having been converted to the Catholic faith, and apostatizing from that, flying to a church cannot enjoy the protection of it.**

**"John XXII. Pope, to the Inquisitors of heretical pravity, appointed through the kingdom of France.**



“On your part it has been lately proposed before us, that some guilty or suspected, or accused of heretical pravity, or being converted from Jewish blindness to the Catholic faith, and afterwards apostatizing from it, fly to churches, not as a remedy for their salvation, but that they may escape your hands, and may avoid the judgment of vengeance for their crimes, about which you have humbly implored the providence of our Apostolical See,—We *therefore endeavouring with most anxious care to extirpate the enemies of the orthodox faith, and to pluck out by the roots from the garden of the Lord such a noxious and pestiferous weed*, we, by our apostolical letters, commit to your discretion, after the example of our predecessor of happy memory, Pope Martin IV., who, by his apostolical letters, commanded the same to the inquisitors of heretical pravity appointed through the kingdom of France, as far as respects those who shall appear to you to be guilty of heretical pravity, or to be notably suspected of the same, also those accused of the aforesaid plague, also converted Jews, and afterwards apostatizing from the faith, either openly or on probable proofs, that you should freely discharge the duty of your office according to the quality of their crime, just as if they had not fled to churches, or the aforesaid places, by suppressing, without any appeal, by ecclesiastical censure those who oppose themselves.

“And that no obstacle may be placed in your way on this behalf, we enjoin by these letters our venerable brothers the Archbishops and Bishops appointed through the kingdom of France, that they should not throw any impediment in your way, so that you should not freely fulfil these our commands, but rather that they should, on your requisition in these things, assist you, as they may have opportunity.

“Given at Avignon, on the Ides of August, in our first year.”—(That is A.D. 1317.)

Now, what do these documents demonstrate? They demonstrate not only that Popery is as bad, but infinitely worse than ever the Protestants of these several generations believed or imagined it to be. We have here bulls and principles, that they never even thought of investigating—they never even supposed that there was any possibility of the Inquisition being set up in Ireland, yet here

we see the truth of poor Priest Morissy's evidence—(see page 115.) He says, "*Let Government grant the Catholic claims, and they will unsheath the inquisitorial sword, and unveil the rack and torture.*" He knew them well,—he knew they had it behind the veil in their secret principles and ordinances. He quotes this very Bull, the authority of John XXII. among others; and the year but one after they get political power, they actually set up these bulls for their Priests, as the law for Ireland,—they "*unveil the rack and torture,*"—they revive the worst canons and decretals of the worst ages of intolerance and persecution. The 3d canon of the 4th Lateran Council, of the beginning of the 13th century, A.D. 1215, (see p. 102,) the inquisitorial canon of Clement V., in the Council of Vienne, in the beginning of the 14th century, A.D. 1311, (p. 109,) of John XXII., in the year 1317, here just translated, which we see revived by Benedict XIV., A.D. 1750, exactly 79 years before they obtained political power, and in the very year but one after they obtained that political power—after they had gained it by abjuring their principles and their canons, these are the very canons and decretals they set up to rule this miserable nation, A.D. 1831, which are now in force, and goading the population on, by the secret instrumentality of their Bishops and Priests, to every sort of crime and cruelty they inculcate; while Protestant statesmen are wondering that the nation has not been tranquillized by their compromises and concessions, and are amazed forsooth at the impotence and contemptibility of British law, and at the seditions, perjuries and murders that agitate and convulse the nation. But they must awaken—the Protestants of this empire must awaken from their lethargy, if they wish to chuse between becoming the slaves of the Pope and maintaining the liberty of British freemen, the loyalty of British subjects, and the religion of British Protestants. They must awake to preserve themselves,—they must awake to save their country,—they must awake, if yet they may to a sense of their duty to God and their fellow men, to try and deliver their Roman Catholic fellow subjects from this anti-christian, anti-social superstition, and instead of associating or compromising with unreformed Papists, to aggravate every evil of their country, under the mockery of reform, let them begin to reform them-

selves from their ignorance, their indolence, their apathy, their criminal abandonment of their duty, and let them labour to reform their miserable fellow subjects from that accursed apostasy from Christianity, which will call down on England the curse it has entailed on other nations, and make them mourn, too late, their guilt and folly, when they sink, as they deserve, in the common ruin of their country.

TRANSLATION OF THE BULL FOR COMPELLING THE ROMAN CATHOLICS OF IRELAND TO SUBMIT TO THE TEMPORAL POWER OF THE POPE.—(p. 148.)

*“ Of not impeding the execution of Citations, Mandates, and other provisions of the Court of Rome or the Apostolic See.*

BENEDICT, BISHOP,

*“ Servant of the servants of God, for the perpetual memory of the things (now decreed.)*

“ The solicitude of the pastoral government committed to us unworthily from on high, demands that we should not only take care to enact new laws, if at any time the condition of circumstances or necessity requires it, but even if those which have been providentially and salutarily appointed by the Roman Pontiffs our predecessors, shall, either through the fault of men, or the fleeting and voluble nature itself of human affairs, pass into desuetude, to recall them into use and fortify them with the strength of Apostolic confirmation.

“ Section 1.—Forasmuch as, on a former occasion, there emanated from a particular body, deputed by our predecessor Innocent XI. of pious memory, for the reformation of the tribunals of the city, by letters of the said predecessor, which began *Decet Romanum*, dated the 4th of the Kalends of July, in the year of our Lord, 1682, a decree, afterwards confirmed in a specific form, of the tenor following, viz. :—‘ But since it is related that ministers and officials of states, cities, and places, in which the doctors, the clergy, and commissary of the chamber, and other prelates, by reason of their bishoprics or abbacies or commendams, also the prefect of the apostolic palace, exercise temporal jurisdiction, and also ministers and officials of

barons and of the comptrollers of their household, and of others whosoever they be, actually, although unduly sometimes, dare to offer an impediment, that in the places aforesaid, and in their territories, the citations, mandates, and other provisions of the judges and tribunals of the Court of Rome, and especially of the auditors of the chamber, shall not be executed without their license and good pleasure given in writing, as it is vulgarly called their *exequatur*. Therefore, it has been declared and decreed that as well verbal and personal citations, either at the house or in the hands of domestics, or by edicts, as also all mandates whatsoever, may be freely done and executed without any other license, good pleasure, or *exequatur*, or requisition of the officials and ministers of the place, and that neither the aforesaid officials and ministers, even the cardinals themselves, and prelates, and clergy, and commissary of the chamber, and barons, and comptrollers of households, and other persons whatsoever, can in this afford any impediment directly or indirectly, under the penalties contained in the apostolical constitutions against those usurping the jurisdiction of the Apostolic See, and hindering it or its free exercise, or making a resistance to the Court, and being inadvertently and unduly required to give any license or good pleasure, they by no means can nor ought, under the same penalties, to affix their *exequatur* or otherwise put their hand in writing to these dispatches of the tribunals of the Court of Rome."

By this law it is manifest that any attempt to interfere with any order, whether *citation, mandate, or any other provision*, of the Court of Rome, that is, the political power of the Pope and his *Congregatio de Propaganda Fide*, on the part of any inferior authority in the Church of Rome, is in itself an offence subjecting the offender to the ecclesiastical penalties due to rebels against the Pope. So that every Popish Bishop and Priest must remember that the Pope's orders are the fiat of God on earth, and execute, and take care it shall be executed accordingly.

"Section 2.—We have found out that this most provident and salutary decree not only never has been observed, nor is now observed in some places under our ecclesiastical jurisdiction; but, moreover, besides those who have been named in this same decree, we have learned from the report of many persons worthy of credit, and even from

experience itself, when we were in an humble station,—we ourselves have learned, not without great grief of heart and indignation, that besides those who are named in this decree, there are others also who think it an honour and praise to themselves not to permit the due execution of the citations, mandates, and other provisions of the judges and tribunals of the Court of Rome, unless they have been first exhibited to them, and their license or good pleasure given verbally or in writing, which is commonly called *Exequatur* has been demanded: nay, they have sometimes proceeded to such a pitch of audacity and temerity, that they have even dared to offer obstruction interdicting their officials and ministers, lest they should obey the same, and refusing to afford that facility, aid, and assistance for their execution which they were bound to afford.

“Section 3.—And since they themselves confess the deformity of such audacity, by which the dignity of the Apostolic See is despised, and its authority trodden under foot; at one time they take care to cloak it under the pretext that the place being subjected to their rule and power, should enjoy a privilege of this sort, that causes could not be removed from it, but ought to be terminated within their own proper boundary. But sometimes they pretend that they wish to bring the parties who are litigating to agreement, lest they should squander their property in sustaining suits on the most trivial matters.

“Section 4.—But that we may meet by an opportune remedy of our pastoral providence an evil of this sort, which is known to be of the worst example and evil effect, before it gains more power,—we, of our own will, from our own certain knowledge, and from the plenitude of our apostolic power, by the tenor of these presents, approve, confirm, and, as far as is necessary, we again enact, ordain, and renew the aforesaid decree of Innocent XI., our predecessor, and we will, and command, that it be preserved and kept by all persons of every order, degree, state, and dignity, for ever.

“Section 5.—Besides, we ordain and define *that all and every the governors, rulers, presidents of any places, territories, and cities of a state, not only immediately, but EVEN MEDIATELY SUBJECT IN TEMPORALS TO THE APOSTOLIC SEE*; and, moreover, all

præfects and presidents of provinces of the same state, though supported by any privileges or faculties whatsoever, even of legates a latere, and moreover that the Prolegate of Avignon and even the Cardinals of the Holy Roman Church, even our own legates a latere, and their ministers and officials, ought to be comprehended and considered as comprehended in this same decree."

Now, let any man of plain common sense ask himself what is the meaning of this law. There may be many laws and regulations of states and countries, with which the Pope may not consider it his interest or his duty to interfere. What they may be, we are not here led even to conjecture; but one thing is clear and conclusive, that in whatsoever he does chose to interfere—in whatsoever he does please to issue his mandates or citations, or any other provisions of his authority, that there, all who dare to resist his authority are to be visited, as far as he can visit them, with ecclesiastical censures, and this, not in states *immediately subject to his authority*, but in those *mediately* subject to his authority in temporals,—that is, those who by reason of the obedience they owe to him as his subjects, as Vicar of Christ, in all spiritual things; owe him, through these means, a due subjection in all temporal things; so that what he sees fit to command, they must see fit to obey. This law of itself, without any publication, reaches to every land wherever there is a Roman Catholic—wherever there is a man that confesses the Pope's supremacy. But where it is actually set up, as it is in this country, by these Bishops—by the very men that have given these oaths that we have seen; set up as the law in which they are to drill their priests, to make those priests drill the people by it in their confessional,—there, there cannot a shadow of doubt remain in the mind of any man who does not wilfully shut his eyes to the plain facts before him, that whatsoever the Pope choses to command to be done in that country—whomsoever he choses to summon to his court—to whomsoever he choses to issue a mandate, or whatsoever provision in fact he pleases to ordain, those who confess him as their spiritual head must be bound to obey, or suffer the penalties due for their transgression of his will. No station, no office, no privilege, exempts from his authority,—his will must be the law for all who confess that authority.

But this law must be administered through his spiritual officers. His Bishops and Priests must be the agents of his will ; and now we shall see what are the obligations imposed upon them, and how they are compelled to administer their master's will.

“ Section 6.—And, since in impeding this execution of citations, of mandates, and other provisions of the Court of Rome or the Apostolic See, litigants or those whose interest it is, that the aforesaid executions should be hindered, for the most part take the lead, or certainly are in the blame and fault, or others who have no interest in the causes or the matters which are treated of, or notaries or public scribes who refuse to do the acts necessary to fulfil executions of this sort, and to discharge the duties of their office. We, wishing opportunely to provide on every side for the total abolition of this intolerable pravity, and desiring that those who are not moved with becoming reverence for the apostolic eminence may be led in their duty by the fear of punishment—We, of our own like will and authority as aforesaid, by this our constitution ever to remain in force, ordain, and decree, that all and singular persons, as well seculars as ecclesiastics and regulars of what dignity, state, grade, and pre-eminence, or order, soever they be, having any interest whatsoever in the causes or other matters which are treated of, who either by themselves or by any others, under pretence of any colour, whatever, shall have dared to hinder or cause to be hindered citations and commissions of causes decreed or to be decreed hereafter, or any other mandates of the Court of Rome, or apostolic rescripts containing either justice or mercy, that they should not be committed to execution according to their tenor, or who, under pretence of any colour, shall have recourse to any secular persons, or ecclesiastics, or regulars appointed in any dignity or order, or to their officials publicly or privately by themselves, or by any other, let them lose their cause and let them by the very act lose every right competent to them, as well that which they seek, as that which they possess, in the matter and pertaining to the matter in question.

“ Section 7.—But all other persons, whether laymen or ecclesiastics, or regulars, who have no interest in canons or affairs of this sort, impeding or affording aid, counsel, or favor openly or secretly, directly or indirectly to those

who impede the execution of citations of this sort, commissions of causes, and any other mandates whatsoever, or rescripts and apostolical provisions as aforesaid of whatsoever order, grade, condition or pre-eminence they may be. If they be laymen, let them incur *ipso facto* the sentence of excommunication; but if they be ecclesiastics or regulars, let them incur *ipso facto* the penalty of suspension as well from the exercise of their orders as of any office or dignity whatsoever from which (except as to excommunication in the article of death) they cannot obtain the benefit of absolution from any other than the Roman Pontiff for the time being."

Now, let any man sit down, if he can, and compose some system by which the Pope, not having it in his power to exercise a direct temporal authority over this nation, shall so thoroughly and effectually govern it, as he is enabled to do by the provisions of this bull.

Direct temporal authority, such as that possessed by lords lieutenant, judges, sheriffs, magistrates, &c. &c., he cannot use over the laity,—their properties, persons, and liberties are, or seem to be, protected by the known laws of England; but over the priesthood, the Pope does exercise a direct temporal authority, greater than all the temporal power of Britain over any British subject.

No man can be suspended—no man can be degraded from his office—no man can be deprived of his benefice or any place which he holds for life, by the laws of England, unless in open court or by open charge of misdemeanour, before the competent authority, he be convicted of some offence. But here, by this law, without trial, without a single open accusation before any human tribunal, any Romish ecclesiastic in Ireland can be at once degraded and suspended from his orders and his offices,—his benefice is taken from him—he is turned adrift, abandoned, disgraced, excommunicated, on the wide world, and he must go to the feet of the tyrant that degrades him and deprives him—he must go to him; as a penitent and a slave, before not only he can be reinstated in his benefice or restored to his rank, but before he can be admitted to receive the sacraments of his church, unless in the very article of death itself; so that, in fact, death, and death alone, is the only deliverance for the miserable priests of Ireland from the bondage of this accursed tyrant.



This was the case with poor Morissy, (see pp. 114, 115,) simply because he was a loyal man, as he testifies in his own statement; and we have seen the fact of this atrocious despotism admitted on oath by Dr. M'Hale, (p. 184.)—The priests must exercise the same despotism over the laity by spiritual sanctions, and even those of the laity that have any employment under the Papacy are deprived of their office, if they dare to disobey, and reduced to want and infamy, as we see by the next section.

“Section 8.—But notaries or public scriveners who shall have been called on, as to executions of the citations, commissions of causes, mandates, and provisions of this sort, or as to inhibitions to stay their execution, and who, on payment of their suitable fees, shall have refused to perfect the public instruments thereon at the instance of the party having an interest or professing to have an interest in the same, let them lose the exercise of their office of scriveners, and let them become perpetually infamous and rendered incompetent afterwards to execute any instruments or public writings, till they receive absolution from guilt of this description, and are cleansed from the stain of their infamy.

“Section 9.—Notwithstanding both apostolical constitutions, decrees, and statutes, even confirmed by apostolical authority, or any privileges, indults, and concessions whatsoever, or any possession and custom even for time immemorial, and coloured title (*titulo colorato*) resulting from it, even though corroborated by the knowledge, sufferance, and toleration of the Apostolic See, and any other things to the contrary whatsoever; or if any indult should have been granted to any persons, jointly or severally by the same See, that they should not be interdicted, suspended, and excommunicated, by apostolic letters not making mention fully, expressly, and word for word, of an indult of this sort, which indult we decree that it shall not in any degree profit them, by whatsoever authority they may be protected from being subjected to the sentence and penalties herein mentioned.”

It were well now if any man should point out, what security or protection the laws of England afford a wretched Roman Catholic, whether priest or layman, against the exercise of this intolerable tyranny. As long as the poor creature's conscience and understanding are so blinded by

this superstition, that he is depending, as they all do on the sacraments of their church for their salvation, so long this spiritual despotism is beyond the reach of human laws, and so long as this spiritual despotism is exerted to enforce temporal commands, so long the loyalty of a Roman Catholic population is at the complete disposal of the Pope; for when the soul of the man is subject to the Church;—then the interest of his soul, his eternal salvation, and the interest of his church must be identified, and accordingly the church is always their pretence. Hear the language of the Popish Priests at the elections of Ireland—hear the language of O'Connell, who is their tool and their echo. What is their appeal to the poor people? Is it not, always that they are to be true to their religion—that is to do what their priest or their church commands them; and this is the engine by which they work the poor people of Ireland to move at their command. It is not innate hatred to their Protestant countrymen; they would be a kind affectionate people, if their tyrants would let them,—it is not hatred to their landlords,—it is not a love of rebellion, and sedition against government that stimulates the poor Roman Catholics to their tumultuous convulsions, and their crimes; but it is their attachment, as they conscientiously feel it, to their religion that makes them execute the orders of their priests: and if it were treason, rapine, or murder, the poor Roman Catholics of Ireland would think it was serving God, when performed in obedience to the commands of those men who rule their consciences and understandings, and who are themselves ruled by these laws, by their Bishops, and by the Pope. If Protestants will do their duty—Bishops, clergy, monarchs, statesmen—let them take the word and truth of God, and hold it up in opposition to this system of iniquitous and accursed despotism. Let the powers of human laws and human authority be exercised not in punishing or trying to punish the wretched perpetrators of these crimes, while they are compromising with, nay actually educating the traitors and tyrants that instil and inculcate the perpetration of them, but let the real criminals be held up to the public abhorrence and denunciation they deserve,—let their real principles be openly dragged into the light of day,—let the poor people see how they shrink from the scrutiny of man, how they dare not appear even in the presence of their

own flocks, when their principles and deeds of darkness are to be openly exposed before them. Let this be done with bold determined fidelity, and then our Roman Catholic countrymen shall not be depressed but exalted, not enslaved but emancipated, not excited into hostility against us as enemies, but reconciled to us as friends brought to love and to embrace us as brethren, and to protest with us against the dark, the damnable idolatry and superstition, the cruel blood-thirsty enslaving domination of Papal apostasy and Papal despotism. Then we shall have a genuine and radical reform,—not a mock reform in legislation, in which perjurers and traitors are associated in the enactment and administration of laws, calling down from heaven a curse on the legislative and a curse on the executive authority of the land—making laws and their execution worthless and inefficient at home, and contemptible abroad,—but we shall have a reform of laws by having a reform of principles, and a reform of principles by having a reform of men, a deliverance of our country from the miseries of anarchy and ruin, that now stare us directly in the face.

Let us return to this Papal Bull—

“Section 10.—We do not intend by these presents, in any degree to derogate from the privileges, grants, and indults conceded by us or the Roman Pontiffs our predecessors, to some places, states, provinces, or kingdoms, that their causes should not be taken out of their own territories, provided that the citations, commissions of causes, and all other mandates whatsoever, and apostolical provisions may obtain due execution within them.”

Here is a great privilege indeed!—namely, that certain states who have received permission from the Pope, may have their own causes heard within their own realms, provided the Pope may also do what he pleases within their dominions. While the actual sovereignty is possessed by him, there may be a certain limited authority granted to the lawful monarch of the realm. This may accord with the existence of a government in a Popish state, but Ireland proves what its effect must be, where a heretical excommunicated monarch fills the throne.

“Section 11.—But we will that this constitution and decree, after they have been affixed and published on the doors of the Lateran Church and of the cathedral of the

Prince of the Apostles, also of the Apostolical Chancery and the General Court in the Citatorian Mount, and in the Plain of the Field of Flora outside the city, as is the custom, shall afterwards reach to and restrain all and singular the individuals as well within as without the Court of Rome, as effectually as if they had been personally and by name intimated to them, and that the same entire faith shall be given even to printed copies of them, subscribed with the hand of a notary, and fortified with the seal of a person appointed in ecclesiastical dignity, as well in court as out of court, in every country as would be given to these presents themselves if they were exhibited or shown.

Section 12.—Therefore let no human being whatsoever infringe, or with rash audacity contravene this instrument of our confirmation, statute, decree, mandate, will and derogation; but if any one shall presume to attempt this, let him know that he will incur the indignation of the omnipotent God, and of the blessed apostles Peter and Paul.

Given at Rome, at St. Mary Major, in the year of the incarnation of our Lord, 1742, on the third of the kalends of April, in the 2d year of our pontificate.

The 11th and 12th sections of this Bull prove to demonstration, that it is issued by the Pope, as of imperative obligation on every Roman Catholic in the known world, that it is binding on every individual, and in every place—and in addition to this internal evidence of the Bull itself, it is now, we see, not only so; but published by the Romish Bishops in this country, as one of those laws which their Priests are to study, and by which they are to instruct the people, a proceeding, which if the Bull had no internal evidence of its own universal authority, would give it, as all those Bishops admit, authority and obligation in Ireland. It leaves nothing further to remark on of the tyranny of the Popish Bishops and Priests, the slavery of the Roman Catholic population, and the substitution of the Pope's temporal authority *for that of the British Sovereign.*

TRANSLATIONS FROM THE BULL "PASTOR BONUS" CONFERRING ON THE PAPAL OFFICER, THE MAJOR PŒNITENTIARIUS AND HIS DELEGATES, THE POWER OF GRANTING ABSOLUTIONS AND DISPENSATIONS FOR THEFTS, ROBBERIES, MURDERS, TREASON, AND ALL SORTS OF CRIMES. SET UP BY THE ROMISH BISHOPS, FOR THEIR PRIESTS TO DIRECT THE CONSCIENCES OF THE ROMAN CATHOLICS OF IRELAND, A.D. 1832. (SEE P. 161.)

THE FACULTIES OF THE MAJOR PŒNITENTIARIUS AND OF THE OFFICE OF THE PŒNITENTIARY.

BENEDICT, BISHOP,

*Servant of the Servants of God, for a perpetual memory of the thing (hereby enacted.)*

"The good Shepherd, (Pastor Bonus) Christ the Lord having been sent by his Father to seek the sheep that had been lost, when having found it and laid it on his shoulders rejoicing, he returned to heaven, left the vicars of his labour to whom he intrusted the government of the whole flocks, purchased for himself at a great price, instructed with his example and precepts, both that they might be employed with all diligence to restrain and confine the sheep committed to them within the boundaries of well regulated discipline, and if it should happen that any carried away by the love of a depraved liberty, should wander too licentious from the way of salvation, that they should mercifully endeavour to recall them to the good pasture, and the proper duties of righteousness, chiefly by showing and proposing to them pardon."

"But our predecessors, the Roman Pontiffs, having these documents of the great Chief of Pastors before their eyes, as they have considered that certain more atrocious and weighty crimes were to be severely marked and strictly punished, having enacted against those who perpetrated them censures and other ecclesiastical punishments, the absolution or relaxation of which according to the supreme power granted to them in the Universal Church, they have reserved to their own peculiar judgment lest the impunity of sinning might excite the audacity of delinquents; so, lest on the other hand, the too great difficulty of obtaining pardon might drive penitents to desperation, they have never, at any time, omitted to offer and bring to those who are truly penitent, remedies, being mindful of the love and pity of Christ."

Here we have in the preamble of this Bull, an instance of the blasphemous audacity of this guilty superstition, of which the apostate is the head this "Man of sin who opposeth and exalteth himself above all that is called God, or that is worshipped." We see him here assuming a power greater than all that is exercised by every earthly potentate, and greater than all that even the worshippers of any idol ascribe to their god, arrogating to himself such prerogation and power of pardoning sin, and thus as far as his deluded victims depend on him, realizing the ambition attributed to the prince of darkness; that of aspiring to the throne of God. The first section is an amplification of the blasphemy of the preamble.

Section 1st.—"Therefore beside many other matters the tribunals of the Court of Rome established for various sorts of causes, have willed most especially, even from the most ancient times, that there should exist in it and be preserved perpetually, never to fail, the office of the Apostolical Pœnitentiary, like the fountain open to the house of David for the washing of the sinner, to which all the faithful from every region of the Christian world might be able safely to betake themselves, each for their spiritual diseases however secret, whether in person or by secret letters, even suppressing their own names, and might immediately obtain convenient medicine for their wounds by a secret and gratuitous cure, such as might be desired by all. The plan of which so renowned and so salutary an institution was very grateful to the heart of the Roman Pontiffs for the time being, and such utility did they experience from the ministry of this office in the administration of the church, that formerly they did not hesitate to commit to the same office to be settled, not only causes belonging to the interior forum of penance, but even many others pertaining to the mercy and justice of the external forum."

Now let any rational being soberly consider the tissue of absurdity and wickedness, that is here set before the miserable victims of this horrible system of superstition.—A man daring to set himself forth to his fellow-sinners as the administrator of God, the Vicar of Jesus Christ on earth, institutes a tribunal at his Court, to which all his deluded followers are to have recourse from all parts of the world, and for all crimes which they can commit, and

though they keep themselves and their names unknown to the Pope, yet the Pope can pardon all their iniquities, that is (unless he possess the attribute of Omniscience), he can pardon, he knows not whom. But this unknown victim of idolatry and superstition, believes that this *ex post facto* license for crime will avail him before God, and that as Tetzel said, when the money tinkles in the chest, the pardon is sealed in heaven. It is no wonder the Popes plead for the utility of this traffic for the souls of men. Alas ! how little they reflect that the weight of money accumulated in this their merchandize will serve but as a millstone around their necks to sink them deeper into the gulph of everlasting destruction.

The 2d, 3d, and 4th sections refer to various constitutions by preceding Popes, for which, those who are anxious to examine more particularly into the nature of the Pœnitentiary may consult the Latin. In the 5th, sect. Pope Benedict XIV., sets up this Bull to supply all defects in all preceding constitutions, and to make the office of the Pœnitentiarius as complete and perfect as possible. Therefore the 6th section informs us of the mighty powers committed to him by this master merchant of the souls of men.

Section 6.—We grant therefore to our Major Pœnitentiarius, and for the time being, that he can and may be able to absolve and command to be absolved, all and each of every quality, dignity and degree ; the ecclesiastical seculars and regulars of every order, congregation, society, and institute ; also all lay persons of both sexes, as well present as absent, from all and every sort of faults, crimes and excesses—(culpis, criminibus, et excessibus)—*howsoever weighty and atrocious*, (quantumcumque, gravibus et atrocibus) as well public as private, whensoever and howsoever committed and perpetrated ; also from all censures and ecclesiastical punishments, decreed on account of the aforesaid crimes and incurred by them, even in cases reserved, not only to the ordinaries and superiors of the regulars, but even specially to ourselves and to the Holy See, and even by the letters which are yearly promulgated on the day of the Supper of our Lord, (that is the Bulla Cœnæ Domini,) having enjoined always for the same according to the nature of the fault, some salutary penance and other things which are to be enjoined by law.—

“He can absolve and command to be absolved, to wit, the Regulars from the faults and crimes aforesaid in either tribunal: but the ecclesiastical seculars, and laymen from the aforesaid faults and crimes only in the tribunal of conscience: but these same Ecclesiastical Seculars and Laymen in either forum, when it is treated of public censures, decreed by law, specially reserved to the Apostolic See, even those declared by name—or if it is treated about those decreed by name by a man, then, when the jurisdiction of the delegate or of the other judge by whom they were decreed shall have expired—or when absolution by the same judges or others shall have been sent to the Roman Pontiff and the aforesaid Holy See—or when those bound by the censure are prevented by a lawful impediment from approaching the presence of the judges, or of those who so bound them, or any other or others to whom they ought by law to come.”

Here is a license of unlimited extent for all imaginable crimes—let the simple fact be recollected on reading this section that there is delegated by this Major Pœnitentiarius in every diocese in Ireland, a Popish Priest called a pœnitentiary, endowed with certain powers, who under the sanction of this law can pardon every possible crime public and private, however weighty or atrocious, which the Roman Catholic population may commit; so that when, as these other laws demonstrate, which the Bishops have set up for the Priests to direct the consciences of the people, these Priests instil into their minds principles that cannot but stimulate the poor unfortunate people to the commission of crimes; and then, teach their blinded consciences that they can pardon all the crimes they can possibly commit—what but guilt and misery, sedition, plunder, forgery and murder can mark the steps of instructions such as these?

There are many sections of this Bull of little comparative interest, the translation of which must for the sake of brevity be omitted; but there are some on Heretics of no ordinary interest.

“Section 9.—Secret Heretics who have communicated their heresies to none, and with none, the same Major Pœnitentiarius can absolve or command to be absolved only in the tribunal of conscience without any other abjuration to be made before the Ordinary or the Inquisitor, which is also equally lawful for him when the aforesaid secret He-



retics shall have performed any outward acts by which they could be known to be Heretics, provided that no one as far as they know and believe, shall have known or perceived the same acts, although from their nature they are knowable or capable of being brought to knowledge.

Section 10.—But public heretics or apostates from the Catholic faith, he can absolve or command to be absolved only in these cases, in which it is not necessary to denounce accomplices, when namely, those accomplices are either dead, or are in places long since infected with heresy and live in them not however when the accomplices live in those countries in which the office of the Holy Inquisition is in force.”

Let it be here observed, that there are cases of heresy which the Pœnitentiarius can pardon—but there are also cases of no small importance, to which his power does not extend as will be seen in the next section.

Section 11.—But Princes and others having the right of government, even under the name of Vicar (or a Lord Lieutenant) and kingdoms and republics, or persons having the administration of one or the other, or accustomed to have it, also Bishops and other superior Prelates in public cases which are contained in the aforesaid letters, which are wont to be read on the day of the Supper of our Lord, he (the Major Pœnitentiarius) can by no means absolve or command to be absolved, even though the Roman Pontiff shall have been so hindered on account of infirmity or any other cause, so that he cannot quickly be consulted.

Here let it be well marked that, while every possible crime can be pardoned to the vilest of mankind, and while other heretics can be absolved by this Major Pœnitentiarius, no power, whether civil or ecclesiastical, can be absolved by him. These are all reserved especially to the Pope himself,—he must have them under his own jurisdiction, his political authority over them must be maintained by his spiritual power, and they must bow at his knee, or sink, as a set of excommunicated traitors to his authority, under the curse and condemnation of his judgment.

This is the law to train the traitor and the murderer,—his own crimes can be easily forgiven; but his Protestant sovereign, or the representative of that sovereign, judges, magistrates, bishops, all the powers that be, being heretics, must bow at the knee of the Pope for pardon, or curse and damnation is their lot.

So also we see in the 14th section—

“Section 14.—Nor can he likewise by any means be able to absolve or cause to be absolved public cases even not brought into judgment of violated immunity or ecclesiastical liberty.”

Here again the liberties of the church are protected, so that any one who dares to violate one jot of her authority or privileges, is, as we shall see in the 17th section, worse than the traitor or assassin, for they have privileges as capacious as they can desire.

“Section 17.—He (the Major Pœnitentiarius) can dispense and order others to dispense, in either tribunal, with homicides and outlaws and other criminals, so that they may lawfully be received into a religious order and make a profession in it, and so that even those who have committed murder, (*qui homicidia voluntaria commiserint*), *may be able to enter any of the religious orders as clergymen, and become professors in it*, on this condition, however, *when it shall appear to be befitting, that they shall have first satisfied the exchequer and the party*; and, moreover, by taking care lest in the time of their noviciate they may take holy orders or ascend to higher degrees, but this may be by no means permitted to them, till after they have made their profession; but he can dispense and command a dispensation to be given, that in those orders which they have before undertaken, they may minister even in the time of their noviciate as often as any reasonable cause requires it; though, if perchance they shall not have persevered in a religious order, but have returned to secular life, they may remain *ipso facto* suspended, even from the exercise of the orders of that degree which they had before received.”

From these we deduce the following principles,—that, in the laws of the Papacy, homicide, murder, treason, or any crimes however atrocious, are of a less flagrant character than dissent from one single dogma or violation of one single privilege of the Church of Rome, especially if these be committed by any persons bearing either political or ecclesiastical authority. An ordinary heretic, in the humbler walks of life, can receive absolution from the Major Pœnitentiarius or his delegates; but a person placed in authority cannot receive such absolution,—a fact which proves that the standard of moral guilt which the Papacy

erects, is but a mere pretence for the advancement of political power, else why should the station of the criminal enhance the turpitude of the crime?

Again, we perceive that crimes of the blackest die can, under certain circumstances, not only obtain the pardon but the protection, the patronage, the preferments of the Church of Rome. Murder, both by the laws of God and man, is to be punished by the execution of the murderer. The man who is privy to it, even after its commission, and conceals it, is an accessory after the fact, and as such, incurs himself, the penalty of the laws.

Here we see that Popery is privy to the crime—knows it, conceals it, protects it, opens its arms to receive it, takes it into its sanctuaries, and there licenses the murderer to become a priest, to learn to drill the wretches that come to his confessional, in the crimes of which he has received the pardon and the profits himself. What is there more infamous in the history of human guilt than this, unless it be the fact, that it is all perpetrated in the name of Christianity, and that the authority of the God of holiness and truth, and love, and mercy, is borrowed to sanction the blackest dictates of the devil?

There are various sorts of dispensations for various crimes, real or pretended, in this Bull, which, on comparing them with other parts of Papal discipline are curious and instructive. But, as it is not the Editor's object to enter into a general examination of these, he will proceed to the 28th section.

“Section 28.—He (the Major Pœnitentiarius) may have the power of relaxing only in the Tribunal of Conscience, all sorts of oaths in which it is discovered that no prejudice is done to any one.”

The “*any one*” here, we know, refers only to persons or circumstances in which the interests of the Church are not concerned; for where that is the case, the oaths themselves have no obligation whatever, and every Bishop can pronounce them null and void.

“Section 29.—All sorts of simple vows, howsoever made, although confirmed by a private oath, even of entering into a religious order, of chastity, of visiting the sepulchre of our Lord, or the sacred thresholds of the blessed Apostles Peter and Paul of the city, or the sepulchre of St. James of Compostella, the same Major Pœnitentiarius

can, by dispensing, commute into other works of piety, even to the effect of contracting matrimony, when the case is of a vow of chastity, or of other things which in themselves render matrimony unlawful; also he can put off the fulfilment of vows, and absolve from transgressions of them, and also command that they be commuted, deferred, and absolved by dispensation, the causes of such commuting, deferring, and absolving being considered, and certain clauses being added, which the Pœnitentiary in such cases has been accustomed laudably to add, and those things being enjoined which it has been accustomed to enjoin."

It would be a difficult task for any man to tie a knot upon the conscience of a sinner which this Major Pœnitentiarius cannot unbind at his pleasure. There certainly is no restriction that can be imposed on the conscience by the law of God that the *'man of sin who opposeth and exalteth himself above all that is called God or that is worshipped,'* cannot at his pleasure supersede.

The last section translated shall be the following—

"Section 31.—But the aforesaid Major Pœnitentiarius can dispense with the regulars," (that is the monks,) "on account of irregularity, howsoever contracted, as well from any defect, as from any crime whensoever perpetrated, that notwithstanding the same irregularity, or any incapacity, or any other defects whatsoever, they may use the orders they have received, and their privileges, and minister in them even in the ministry of the altar; and also receive orders which they have not received, and likewise minister in them; and also retain and exercise offices, regular benefices, places of trust, preeminencies, dignities, and prelacies, even the highest and the first, whatsoever, how many soever, and of what nature soever they be, being of their own order and congregations and otherwise canonically obtained, and also that they may be able to receive, enter upon, conduct, and freely and lawfully exercise the same to which they may afterwards be elected, or otherwise placed in, according to the regular institutions of their own orders and congregations, also he (the Major Pœnitentiarius) can restore, replace, and fully reinstate them in the same and former condition, and the power of giving and receiving com-

mands,\* in which before the premises" (that is their crimes, incapacities, &c.) "they had in any manner been, also he can graciously remit and pardon all penalties to them (not however so as to render him fit for the generalship of the order, when the question is as to a public defect of birth,) also, for the greater security of the aforesaid absolutions and dispensations, he can sufficiently countervail any constitutions, ordinances, statutes, and privileges in any manner obstructing it.

Now, the reader has only to refer back to the 17th section—he has only to recollect that the outlaw and the murderer can find a refuge and a welcome in the orders of the monks of the Papacy,—he has only here to observe that there is no species of crime that can incapacitate these regulars from any ranks, dignities, and powers in the Church of Rome; and then, on a perusal of this little volume, he will not wonder at the exhibition of crime it presents to his view, when he sees there is no species of atrocity to which that Church cannot modify the human character, and no degree of dignity to which she cannot easily promote her scholars.

- So I translate "*ad vocem activam et passivam restitute.*"

THE END.















